

THIRD DAY INTRODUCTION

Friday, October 23

Welcome to the Focusing the Presidential Debates Initiative. I am John Norton Moore, a former United States Ambassador and Deputy Special Representative of the President, who will serve as your host to the Press Conferences held by the Initiative.

Once again this Great Nation has embarked on a journey to elect a new President. The candidates have come forward and the debates are under way. It is in the interest of all Americans that the candidates and their debates seriously address the grave national challenges and opportunities now before the Nation. We cannot afford politics as usual, with candidates vying to be the most immoderate in their Party. The challenges are unforgiving and the opportunities fleeting.

The experts participating in this initiative are deeply concerned about the problems facing this Great Nation and have come together to present suggestions and raise questions for the Presidential candidates; Democrat and Republican alike. The papers being distributed to the Press today are being sent to each of the declared candidates in both parties. The campaign organization of each candidate, as well as the Democratic National

Committee and the Republican National Committee, have also been notified of this initiative and invited to send a representative to the press conferences.

Each paper reflects the view of the presenter. There has been no effort to coordinate views; nor is any presenter responsible for the views expressed by other presenters. Some of these papers may appeal more to Democratic candidates and some may appeal more to Republican candidates. The subjects, however, have been chosen for their national importance, and the presenters for their recognized expertise.

It is hoped that as the debates progress in and between both parties that the candidates, and the Nation more broadly, will reflect on the range of serious problems and will consider the questions and/or specific recommendations presented in these papers. We here today are not able to individually participate in the debates, but we hope to be heard by the candidates and the American people through the great institution of America's free press. It is in that spirit that we have invited you today to this press conference at the National Press Club.

This Initiative is holding three press conferences at the National Press Club from Noon to 3:00 p.m. each day. On Friday, October 16, after reviewing priority national

problems and opportunities, we focused on issues concerning Economic Growth and Domestic Policy. Yesterday, Thursday, October 22nd, we focused on Foreign and Defense Policy, and finally, today, Friday, October 23^d, we will focus on The Criminal Justice System, Community Policing, and Reducing Crime. In concluding, I will make a few remarks on “‘Right- Sizing’ & Enhancing the Functioning of Government.”

All of the expert papers on each of the subjects we are discussing are already on line at the Initiative Website which is www.FocusingThePresidentialDebates.com We are also videotaping all of the presentations at the National Press Club and they will be added to the website shortly after each press conference.

Each of our presenters today will speak for approximately 30 minutes and then leave about 20 minutes for Q and A from the press or representatives of the candidates or parties who have been invited.

Priority Issues in Criminal Justice Reform and Reducing Crime

TOO MANY IN JAILS AND PRISONS

The Nation’s prison and jail population has more than quadrupled since 1980. With less than 5% of the world’s population the United States has nearly a quarter

of the World's prison and jail population. According to a recent *Washington Post* article, approximately 1 in 100 adults in America are behind bars. The cost is great to house this many prisoners, but even greater in the loss of potential earnings power, higher unemployment rates, and damage to the families of the incarcerated. Moreover, we are using jails to house too many of our mentally ill, rather than providing effective medical treatment and care. For the world's leading democracy this silent blight of over incarceration is not just wrong, but a national scandal.

We have come to this sad state in part because of a genuinely difficult war on drugs, in part because of sentencing reforms aimed at encouraging uniform sentencing, in part because we have tended to criminalize every infraction whether or not violent, and in part because politics supports a message of "tough on crime;" thus supporting tougher and tougher criminal laws and sentencing. But what is really needed are more effective policies in preventing crime. We are also much overdue for a National Commission to review the sentencing guidelines for non-violent offenses to make sentences more appropriate for the crime. But the problem goes beyond sentencing and more effective crime prevention. We have made one non-violent offense after another

subject to criminal penalties. Literally, we have piled law upon law, and embellished them with criminal sanctions and prison terms. This excessive criminalization too should be reviewed in light of penalties other than incarceration, and sanctioning approaches other than criminalization. Did the Nation really benefit from putting Martha Stewart in jail at enormous cost to the taxpayer rather than simply levying a large fine against her? Did the criminal charge against the accounting firm Arthur Andersen, *a corporation rather than a person*, serve the national interest when it destroyed one of the big five American accounting firms in 2002, putting over 80,000 innocent employees out of work for the asserted abuse by a few in their accounting for the bankrupt Enron Corporation? Would a substantial fine, or license suspension of the individuals involved, *as opposed to a corporate criminal sanction*, have been more in the national interest? Have we applied criminal sanctions too broadly to the business world?

Further, Texas and other states, along with many other countries in the World, are exploring alternatives to lengthy incarceration. Some of these approaches seem to be working well. A national criminal justice review should be looking carefully at all of these issues, more effective policies in preventing crime, sentencing reform,

over criminalization, better alternatives for those needing psychiatric care, and alternatives to lengthy jail sentences.

Importantly, however, as we seek to reduce prison populations our reform should not generate greater problems than it solves. Particularly, it is important that in dealing with repeat non-violent offenders we not lose the option of their being required to do jail time. We do not want to make committing non-violent crimes, however repeat, a get out of jail card.

Although not addressed here, there are many other areas of the criminal justice system in need of reform. These include dealing with an out of control civil forfeiture system, enhancing the availability of public defenders, and addressing the issues we know are the culprits in the too frequent conviction of the innocent, including junk science, witness misidentification (particularly through poorly constructed “line ups” and the use of corrupt jail house “snitches”), prosecutorial misconduct and incompetent representation.

The paper by Harry R. Marshall, Jr., a former Senior Legal Adviser in the Criminal Division of the United States Justice Department, explores a range of these issues with a focus on reducing prison populations.

REDUCING CRIME AND ENHANCING COMMUNITY/POLICE RELATIONS

Despite previously unprecedented levels of incarceration, the Nation still has a serious crime problem, a problem particularly acute in victimizing minority communities in major cities. This blends with too few resources for police departments, too little community understanding of the difficulties faced by the police, and sometimes inadequate police training, to generate the witches' brew of disorders and reduced trust between the police and the residents they serve—a toxic brew seen recently in Ferguson, New York, Baltimore, and other cities. This too is a major national problem, and a complex one, which must be addressed. Quite possibly we must enact even tougher laws for *repeat violent* offenders or firearm homicides. But the problem will not be solved simply by increasing incarceration rates.

Two of the papers being presented in this initiative address these intertwined problems of enhancing police and community relations. Collectively, these papers address likely the most effective avenues to *crime prevention*; much more effective anti-crime pro rule-of-law education of our youth, and “community” or “relational policing,” much more effectively engaging the police and the community they serve. The first paper is

the paper by Dr. Roy S. Godson on “Education against Crime: Fostering Culture Supportive of the Rule of Law.”

If we were able to better instill an anti-crime message in our public schools, a message rooted in powerful information about the costs to the perpetrator, the victim, the city, minority communities, and society in general, we would be reaching the most important point for crime control—that is, the belief system of the individual. Dr. Godson has pioneered the teaching of these innovative programs around the world. They deserve a trial in America.

The second paper; that by Chief Timothy J. Longo, Sr., the nationally respected Chief of Police of Charlottesville, Virginia, addresses “Relational Policing,” a title the Chief believes better addresses needed engagement than “Community Policing.” Chief Longo’s paper addresses how greater police involvement directly with residents in a community can both assist the police and lead to safer communities. More effective policing will likely require higher police budgets for more old-fashioned “walking the beat,” a police presence contributing to direct deterrence of crime as well as better police/community relations, more police, better salaries for police, community youth programs run by the police, greater police training (particularly in settings involving

potential use of deadly force), and other modalities of engendering greater interaction and greater trust between the police and the community which they protect, as well as greater visible deterrence against crime. But the reduction in crime, and enhanced respect for the police and the rule-of-law more broadly just might make it a bargain. While such programs are not new in America, their adoption on a larger scale could make a difference. This enhanced “Relational Policing,” too, deserves a try.

STRENGTHENING THE JUDICIARY

The courts are a crucial fundament of our rule-of-law democracy. We rightly believe that America has a criminal justice system rooted in fundamental protections for the accused. For the most part that is the case. Recent investigations, however, many triggered by newer DNA science, have demonstrated too many times where the innocent have been convicted. A review of these cases shows that most relate to issues of witness identification (frequently involving poor line-up or other witness identification missteps), junk science, incompetent representation, or over-zealous prosecution at the trial level. All of these issues, as well as that of the substantial national percentage increase in prosecutors deciding to charge, can and should be addressed in a careful review by new Justice Department leadership (and the equivalent

in all fifty states) to ensure that American courts remain the bastion of a free peoples. We must also ensure adequate public defenders to make our adversary system work as it was designed.

The Supreme Court of the United States has traditionally come under fire by those who disagree with its decisions. But the Supreme Court is a core institution of our great democracy. It is not designed to reflect the will of the majority, which is a principal role of the Congress, but rather to implement the rule-of-law in interpreting statutes and applying the Constitution of the United States (including the Bill of Rights) and its system of checks and balances. Some discourse about the Court seems to assume that its task is to clear the way for congressional action. A more Madisonian way of thinking about the Court, however, is that it is the principal bulwark in protecting the multiple protections for our freedoms which are built into the Constitution. The Court protects the separation of powers between the legislative and executive branches. It protects states' rights in our federal system. It protects the integrity of the electoral process. And it protects individual freedom as guaranteed in the Bill of Rights, including freedom of speech and the press as a crucial "fourth estate" so necessary for effective governance. The Court does all of

the above by applying the Constitution of the United States as the highest law of the land. As a human institution the Court may sometimes get it wrong, and given its role in protecting minority freedoms, it will frequently be criticized by the public. But the alternative to the Court is a Westminster style democracy without the checks and balances which remain the genius of our Constitution.

“RIGHT-SIZING” & ENHANCING THE FUNCTIONING OF GOVERNMENT

Americans should start each day thankful for that genius of James Madison and the other founders of this great Nation. But America does have governance problems. The most serious is controlling fiscal irresponsibility. There is also a second serious governance problem. The Congress of the United States has lost its way in implementing a normal budget cycle. As one more issue worthy of review by the Presidential candidates, and their parties, the candidate ultimately elected will need to staff their Administration. Getting the right team, and surely that means nothing less today than the A-Team, will be difficult. Increasingly, we have adopted so many conflict-of-interest, disclosure, and pre-clearance laws that it is harder to get the A-Team to agree

to serve, and even after agreeing, the clearance and Senate approval processes take too long. The result has been a huge delay in getting an administration up and running. These issues, as well as a brief discussion of “Right-Sizing” Government, will be the focus of our last presentation today.

Are There any Questions on this Brief Overview?

We turn now to our second presenter, Harry R. Marshall, Jr. Mr. Marshall was a Senior Legal Adviser in the Criminal Division at the Department of Justice, is an Adjunct Professor at the University of Virginia School of Law, and previously had a distinguished career as a Principal Deputy Assistant Secretary in the Department of State, and as an Arms Control Agency Senior Attorney in the SALT Negotiations. Mr. Marshall will address “Reducing Prison Populations; One of Many Needed Criminal Justice Reforms.”

We turn now to our third presenter, Chief Timothy J. Longo, Sr. Chief Longo is the Chief of Police of the City of Charlottesville, Virginia. He is entering his 34th year in law enforcement and is nationally-recognized in the

areas of police ethics and professional standards. He holds a law degree from the University of Baltimore, and from 1981-2000, he served on the Baltimore police force, where he commanded several divisions. Since 2001 he has served as Chief of Police for the City of Charlottesville. Chief Longo will address “Relational Policing,” a term he feels better describes the need for better police/community engagement than the more familiar “Community Policing.”

Our fourth presenter today is Dr. Roy S. Godson. Dr. Godson is Professor of Government Emeritus at Georgetown University and a former President of the National Strategy Information Center. He has pioneered curricula development and teaching to counter crime and in support of the rule of law in Public Schools and other sectors, and he is the leader internationally in this effort. Dr. Godson will address: “Education against Crime; Fostering Culture Supportive of the Rule of Law.”

As our final presentation today I will briefly discuss “‘Right-Sizing’ & Enhancing the Functioning of Government.”

CONCLUSION BY ME

*As we conclude, let us remember that America is, and must always remain, a land of opportunity for all, regardless of ethnicity, gender, color, or religion, a leader in the struggle for peace and justice, a beacon of hope to the world, and the home of the free. We must never forget that America's true greatness lies, **not** in its wonderful "spacious skies . . . amber waves of grain . . . and purple mountain majesties," but **in its national values and its unquenchable spirit.***

Thank you for coming.