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JUSTICE NEWS

Attorney General Eric Holder at the National Black Prosecutors Association's Profiles in Courage Luncheon

Memphis, Tenn. ~ Wednesday, July 22, 2009

Remarks as prepared for delivery.

Thank you, Carmen, for your kind introduction, for your many years of public service, and for your leadership of the National Black Prosecutors Association. It is a real pleasure for me to be able to join all of you here today.

I was born and raised in New York City and I know that many of you hail from cities and towns scattered from coast to coast across our country. But regardless of where we're from, Memphis has a special meaning for all of us. For the assassination of Dr. King at a motel not far from this convention center was more than an attack on one man. It was an attack on the very foundation of the civil rights movement and the fervent belief that our nation would one day reconcile its laws and their enforcement with the lofty goals enshrined in our founding documents.

In the wake of that terrible day, the men and women who fought and marched for justice – many of them the parents and grandparents of some of you in this room – could have let their grief obscure their hope. They could even have been forgiven for believing that the crushing weight of hate and violence would never be lifted from our nation. But they chose to keep fighting – in schools, in courtrooms, and in legislatures – so that the bullet that took a life in Memphis would not also destroy the dream of equal protection under the law. And I daresay that looking around this conference room today, Dr. King would have been proud of what I see: hundreds and hundreds of prosecutors – *black* prosecutors – who are committed to the cause of equal justice for *all* Americans. And so, for all of us – as sworn defenders of our laws, our values, and our principles – it is especially fitting to be gathered here today in this city.

Today you are conferring your "Profiles in Courage" award upon Officer Danita Marsh. You have all heard her story: responding to a domestic disturbance complaint, she was assisting the victim in her marked police car when the victim's boyfriend started shooting. Officer Marsh was struck multiple times as she exchanged fire. She was rushed to Vanderbilt University Medical Center, while the shooter was chased for several counties before he was ultimately apprehended.

Officer Marsh's story reminds us that unlike people in most other careers, the men and women who choose to work in public service have a higher calling. They make sacrifices daily -- and willingly.

As prosecutors, you have all answered your own call to service. Many of you have turned down private sector jobs that could have provided a more comfortable lifestyle, and many of you work long hours and see your families far less than you -- and they -- would like. But the challenges of being a prosecutor extend far beyond this personal context. Each and every day you must bring to your professional task your "A Game." It's only on TV that the decisions of a prosecutor are starkly drawn in black and white. You and I know better. There's a lot of "gray" out there, and it's our solemn responsibility to distinguish between the hues and bring the broader picture sharply into focus.

As a prosecutor, you need to be determined enough to pursue every single violent criminal, no matter how cold the evidence. You need to be dogged enough to charge all meritorious cases, no matter how difficult the challenges. You need to be tough enough to withstand public scrutiny, no matter how unfair the criticism. And yet, at the same time, you need to be wise enough, and self-aware enough, and humble enough, to realize that you may not always be right, that mercy is also a part of justice, that prosecution isn't always the solution to every social ill, and that our success as prosecutors isn't measured by how many cases we have won, but by how much justice we have done.

On all of these scores, it is clear to me now as Attorney General, as it has been clear to me since the inception of this eminent organization, that the members of the National Black Prosecutors Association do a truly exceptional job. So, my friends, I salute you.

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Like you, as Attorney General, I take seriously my role in ensuring that all Americans enjoy an equal claim to justice. That is why, in the first months of my tenure as Attorney General, I have worked both to renew the historic mission of the Department and revisit many of the difficult decisions within the law enforcement community that remain unanswered. For instance, I have made it a priority to ensure that the Justice Department's Civil Rights Division has the people, the resources – and the will -- to defend the hard-won progress of the civil rights era. We can never forget that Dr. King and all of those who joined the fight for civil rights were aided by the lawyers and leaders of the Civil Rights Division. That is a legacy I not only honor, but also one that I am committed to reinvigorating. Four months ago, I traveled to Selma, Alabama, to help commemorate the forty-fourth anniversary of Bloody Sunday. I promised then that the Civil Rights Division would live up to its "long, proud history;" that it would "fight discrimination and inequality just as fiercely as the Criminal Division fights crime;" in short, that it would "reflect the spirit of the movement that inspired its creation." That was my commitment four months ago. And I can proudly report to you today that the Civil Rights Division is back and open for business.

But as prosecutors, you are highly attuned to the fact that a commitment to ensuring that justice is done does not arise solely in a civil rights context. One of my earliest and most highly publicized acts during my tenure as Attorney General was my decision to dismiss the prosecution of former Senator Ted Stevens. A review of the facts led me to conclude that the defense team had not been provided with all the required *Brady* material. Dismissal of the case was my only recourse. Our adversarial system for criminal trials can only result in justice if the discovery process is conducted by the government fairly, ethically, and according to the rule of law.

The Department of Justice has always been considered above reproach or suspicion in this regard. Regrettably, however, the Stevens case has threatened that trust. That is why I have now ordered a full review of how the Department complies with its discovery obligations. We will correct any errors and we will see to it, once again, that justice is our primary goal. That is the hallmark of prosecutors such as you- good prosecutors. When we are wrong we will admit our errors. When we see an affront to justice, we will rectify the problem. And rather than worry about politics, when we learn of criminal misconduct, we will follow the facts and the law, wherever they may lead us.

We are taking this same approach in our review of federal sentencing laws. I have launched a working group within the Justice Department to review sentencing and corrections policy. Many of the issues we are looking at, including the structure of federal sentencing, the role of mandatory minimums, the Department's own charging and sentencing policies, the elimination of the sentencing disparities between crack and powder cocaine, and other unwarranted disparities in federal sentencing, have been the source of controversy in our nation for many years. But controversy should not breed inaction. As prosecutors, we need to do what is right, no matter what challenges confront us.

The 100-to-1 crack-powder sentencing ratio is a perfect example. Although some may seek to impose the "soft-on-crime" label on anyone who speaks the truth about this issue, we all know that this egregious difference in punishment is simply *wrong*. I have seen first-hand the effect that disparities in drug sentences have had on our communities. In my career as a prosecutor and as a judge, I saw too often the cost borne by the community when promising, capable young people sacrificed years of their futures for *non*-violent offenses. Let me be clear: the Department of Justice will never back down from its duty to protect our citizens and our neighborhoods from drugs, or from the violence that all-too-often accompanies the drug trade. But we must discharge this duty in a way that protects our communities as well as the public's confidence in the justice system.

Our goal is quite simple: to ensure that our sentencing system is tough, predictable and fair.

I ask you to approach your work in much the same way. Know the facts and case law, of course, but never forget – *never* forget -- your fundamental sense of right and wrong. Be guided by the commitment to fairness that first compelled you to take up the law. Embrace the responsibilities that come with being a role model in your community and always "do the right thing."

It is clear through your work with the NBPA that you are fulfilling these obligations. I am particularly impressed that you have taken the occasion of your annual convention to launch a program that brings prosecutors into schools to talk about the law and the demands of responsible citizenship. As important as it is to pursue, prosecute, and incarcerate criminals, it is beyond dispute that the most effective way to fight crime is to reach young men and women before they are lured into a life of bad decisions. If you reach them early enough, you won't ever have to see them in courtrooms. And as African American prosecutors, you can play a special role in breaking the "us against them" myth that divides young people from the men and women in the law enforcement community. So I strongly urge you to return home at the conclusion of this conference and bring your leadership to the schools and neighborhoods where you serve.

I realize that what you are asked to do is not easy. You spend your entire day at work giving back to your community. On the tougher days, you may be tempted to feel as though you can give no more. It is up to you to fight through those moments. Remember the words of Dr. King: "Human progress is neither automatic nor inevitable.... Every step toward the goal of justice requires sacrifice, suffering, and struggle, the tireless exertions and passionate concern of dedicated individuals."

You must continue to be those individuals. Thank you for everything you do for our nation, our people and our neighborhoods, and for your commitment to the American ideal of true, fair, and equal justice for all.

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