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PROFILE: JANET RENO'S APPROACH TO CRIMINAL JUSTICE

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Janet Reno, the first woman to be appointed as United States Attorney General, has been called the "star" of President Clinton's Cabinet.[1] Following her confirmation by the Senate in March 1993, Attorney General Reno has broken new ground by challenging traditional anti-crime measures and emphasizing the need for more prevention and rehabilitation in the criminal justice system.

I. PAST EXPERIENCE AND CREDENTIALS

Despite the early skepticism of critics who doubted that a female candidate could possess the necessary qualifications to be Attorney General,[2] Reno brings a wealth of administrative experience, a substantial background in criminal law, and a high standard of personal integrity to her position.[3] After graduating from Harvard Law School as one of only sixteen women in a class of more than 500 men, Janet Reno worked in private practice and as a legislative aide before becoming the first female

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1. R. Keith Stroup, *Defending Reno: Criminal Defense Lawyers See New Attorney General as 'Breath of Fresh Air' After Harsh Winds of Hard-Line GOP Era*, CONN. L. TRIB., Aug. 23, 1993, at 19.

2. Joe Davidson, *Miami Prosecutor Janet Reno Picked by President to Be Attorney General*, WALL ST. J., Feb. 12, 1993, at A3 (quoting legal analyst Bruce Fein's description of Janet Reno as "exceptionally ill-equipped" for the job of U.S. Attorney General); Stephen Labaton, *Looking for an Attorney General: The Hurdles; Few Women Have Resumes That Fit Job at Justice Dept.*, N.Y. TIMES, Feb. 7, 1993, at L24.

3. Monroe Freedman, *Assessing Reno: Against Tradition*, CONN. L. TRIB., Mar. 15, 1993, at 26. Known for her strict ethical code, Reno paid sticker price for a new car as a public servant in Florida to avoid any appearance of impropriety. Nancy Gibbs, *Truth, Justice, and the Reno Way*, TIME, July 12, 1993, at 20.

State Attorney in Florida in 1977.[4] For fifteen years, Reno managed a major state prosecutor's office in Dade County, Florida. As Dade County State Attorney, she initiated an aggressive program to collect child support payments from non-paying fathers, successfully lobbied for a drug court that allowed drug treatment and job training to replace jail time for first-time drug offenders, and established a special task force to address the problem of domestic violence.[5]

II. VIEWS ON THE CRIMINAL JUSTICE SYSTEM

In her public appearances and speeches since becoming United States Attorney General, Reno has criticized the traditional approach to criminal justice that attempts to combat the nation's ever increasing crime problem by imposing longer mandatory sentences for drug offenses and building more prisons.[6] In her address to the Justice Department's Fourth Annual Conference on Evaluating Crime and Drug Control Initiatives, Reno described the limitations of the traditional crime-fighting approach:

> America has forgotten and neglected its children . . . . We've put often vast amounts of dollars into prisons, which are negative monuments against the landscape. Prisons are not an investment in our future. Prisons are not an investment in anything that will produce a really constructive human being in the future. Prisons are meant to incapacitate the dangerous offenders and to keep them off the streets for as long as we can possibly keep them off the streets.[7]

Reno believes that the government cannot fight crime effectively by focusing solely on locking up criminals while ignoring the conditions of poverty, drug addiction, and domestic violence

4. Michael Isikoff & David Von Drehle, *Prosecutor Wins High Marks Battling Miami Vice,* WASH. POST, Feb. 12, 1993, at A23; Larry Rohter, *Clinton Picks Miami Woman, Veteran State Prosecutor, to Be His Attorney General: Tough 'Front-Line Warrior' Janet Reno,* N.Y. TIMES, Feb. 12, 1993, Late Edition, at A1.

5. Daniel Klaidman, *Reno's Reach Has Extended Far Beyond Criminal Justice: But Forays into Social Policy May Be Curtailed in New Job*, RECORDER, Feb. 23, 1993, at 1; Robert Kuntz & Pat Dunnigan, *Reno: Average in Court, Aloof at Office*, RECORDER, Feb. 24, 1993, at 1.

6. Attorney General Janet Reno, Address at the Justice Department 4th Annual Conference on Evaluating Crime and Drug Control Initiatives, June 28, 1993, *available in* LEXIS, Nexis library, Script file [hereinafter Reno, Address at the Justice Department]; Attorney General Janet Reno, National Press Club Luncheon Address, July 1, 1993, *available in* LEXIS, Nexis library, Script file; Attorney General Janet Reno, Remarks by U.S. Attorney General Janet Reno to the Federal Judges Association, May 18, 1993, *available in* LEXIS, Nexis Library, Script file.

7. Reno, Address at the Justice Department, *supra* note 6.

that breed crime.[8] She maintains that a primary goal of the criminal justice system must be to imprison violent criminals who pose a threat to society. However, she also emphasizes the need for early intervention with high-risk children and drug treatment as an alternative to prison sentences for non-violent, first-time offenders.[9]

III. VIEWS ON MANDATORY MINIMUM SENTENCES

One specific target for Reno's criticism has been the mandatory minimum sentences for federal drug offenses. This legislation has often resulted in disparate treatment when violent offenders in the state system are put on early parole because of overcrowding, while nonviolent offenders in the federal system are serving long mandatory sentences.[10] In referring to this problem, Reno asserted:

> It makes no sense to see a very dangerous armed robber . . . get out of state systems in 20 to 30 percent of the sentence to commit further crime, when we have a federal system that has a non-violent first offender, relatively low-level drug dealer who's serving a 10-year minimum-mandatory sentence.[11]

Reno does not stand alone on this issue. The U.S. Sentencing Commission, the American Bar Association, and federal judges have criticized mandatory minimum sentences because they restrict judicial discretion in administering fair sentences that adequately fit the crimes charged.[12] To express their intolerance for imposing mandatory minimums, one federal judge has resigned and two federal senior judges have flatly refused assignment of drug cases to avoid imposing the mandatory minimum sentences.[13] A recent Gallup Poll of judges revealed that over

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8. Klaidman, *supra* note 5; Ronald J. Ostrow, *Senate Confirms Reno as First Female Attorney General*, L.A. TIMES, Mar. 12, 1993, at A32.

9. Reno, Address at the Justice Department, *supra* note 6.

10. *Crime and the Cost of Punishment—Reno Puts Prison Crisis Blame on Mandatory Minimum Sentences*, GANNETT NEWS SERVICE, June 13, 1993.

11. *AG Janet Reno Speaks Her Mind*, LEGAL TIMES, Oct. 4, 1993, at 14.

12. U.S. SENTENCING COMM'N, 1991 U.S. SENTENCING COMMISSION SPECIAL REPORT TO CONGRESS: MANDATORY MINIMUM PENALTIES IN THE FEDERAL CRIMINAL JUSTICE SYSTEM iv (concluding that offense-specific minimum mandatory sentences should be abandoned for the more flexible and effective federal sentencing guidelines system); *American Bar Association President Issues Statement Concerning Introduction of the Crime Bills in the House and Senate*, PR NEWSWIRE, Sept. 24, 1993 ("Mandatory minimums are ineffectual, increase the load on an already overburdened corrections system and reduce the facilities available for the violent criminals who should be first in line for prison space."); Don J. DeBenedictis, *The Verdict Is In*, A.B.A. J., Oct. 1993, at 78–79.

13. DeBenedictis, *supra* note 12.

ninety percent of federal judges and over seventy–five percent of state judges believe that mandatory minimums for federal drug offenses are a not a "good idea."[14]

As an alternative, Reno proposes the "carrot and stick" approach for non-violent drug offenders. Instead of imposing mandatory minimum sentences, she suggests providing these offenders with drug rehabilitation as well as job training and placement to facilitate their return into the mainstream of society.[15] This approach changes the focus from punishment to rehabilitation for drug addicts and, as Reno notes: "It's a lot less expensive to provide [a] residential non-secure [facility] with random drug testing than it is [to provide] for three years of prison."[16] Reno's confidence in the effectiveness of such rehabilitative measures stems from her experience as a prosecutor in Florida. In 1986, when she helped establish drug courts that allowed non-violent addicts to participate in a year long drug treatment and education program in lieu of jail time, nine out of ten offenders who had completed the program remained drug-free after one year.[17] Reno's concern with the effects of minimum mandatory sentences and her advocacy of rehabilitative alternatives for drug offenders are examples of her innovative approach as the nation's top law enforcement official.

CONCLUSION

Although less than a year has passed since Reno's confirmation, there are promising signs of the impact she will have as the nation's first female Attorney General. At least one observer, R. Keith Stroup, Director of the National Association of Criminal Defense Lawyers, credits her with "opening up a debate on the wisdom and fairness of the widespread use of mandatory-minimum penalties."[18]

Perhaps in spite of any of her future accomplishments in the area of criminal justice reform, Attorney General Reno's greatest legacy will be serving as a role model for future generations of women who desire to bring new perspectives to leadership positions traditionally held by men.

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14. *Id.* These judges were asked the question: "'Are mandatory minimum sentences for federal drug cases a good idea?'"

15. Reno, Address at the Justice Department, *supra* note 6.

16. *Id.*

17. Gibbs, *supra* note 3.

18. Stroup, *supra* note 1.