

TALKING POINTS
NEW HAMPSHIRE POLICE CHIEFS ASSOCIATION
BERLIN, N.H.
DECEMBER 5, 1987

THANK YOU, CHIEF (BARRY) WINGATE (PRESIDENT
OF ASSOCIATION. I APPRECIATE YOUR LETTING ME
COME TO YOUR CHRISTMAS PARTY. I KNOW THERE ARE
INDEPENDENTS, DEMOCRATS AND REPUBLICANS HERE
TONIGHT, SO I'LL TRY NOT TO MAKE THIS A PARTISAN
SPEECH.

I DO WANT TO SAY THANK YOU FOR YOUR UNTIRING
AND OFTEN UNNOTICED EFFORTS TO PROTECT ALL OF
US. MANY YEARS AGO, I WAS A PROSECUTING
ATTORNEY IN A SMALL TOWN. WE DIDN'T HAVE A LOT OF
EXCITEMENT THERE, BUT I DID GET A LIFELONG
APPRECIATION OF THE WORK OF LAW ENFORCEMENT
OFFICIALS.

TOO OFTEN, LAW ENFORCEMENT IS SEEN ONLY IN
DRAMATIC SCENES ON TELEVISION -- LIKE THE TWO
WEEKS OF RIOTS AND HOSTAGE NEGOTIATIONS THAT
WE WATCHED IN LOUISIANA AND GEORGIA. THOSE
RIOTS SHOULD NEVER HAVE HAPPENED. IN A DOLE
ADMINISTRATION, WE WILL HAVE SECURE PRISONS AND
WE WILL MAKE SURE THAT ADMINISTRATIVE BUNGLING
NEVER PLACES OUR GUARDS IN DANGER.

OVER THE PAST YEAR, THERE HAVE BEEN SOME
KEY CHANGES IN YOUR FIELD -- AND I WANTED TO TAKE
JUST A FEW MINUTES TO GIVE YOU AN UPDATE. TO
QUOTE A FRIEND OF MINE -- CLINT EASTWOOD -- WHAT
WE'VE SEEN IS "THE GOOD, THE BAD, AND THE UGLY.

IN THE GOOD COLUMN, I WOULD PUT THE NEW
FEDERAL GUIDELINES ON SENTENCING. AS I AM
CERTAIN MOST OF YOU KNOW, ONLY ABOUT 50
PERCENT OF CONVICTED FELONS HAVE BEEN GOING TO
JAIL. THOSE THAT DO ARE OFTEN RELEASED LONG
BEFORE THEIR SENTENCES ARE UP.

BUT CONGRESS NOW HAS TOLD FEDERAL JUDGES TO TOUGHEN THEIR SENTENCING PROCEDURES. WE HAVE ELIMINATED EARLY PAROLE AND HAVE MANDATED OTHER CHANGES THAT I CALL "TRUTH IN SENTENCING". IT'S LONG OVERDUE, AND IT'S GOING TO MAKE YOUR WORK EASIER.

IN THE BAD COLUMN, I WOULD PUT THE LIBERALS ON CAPITOL HILL CONTINUING TO BLOCK ANY EFFORTS TO ENACT A FEDERAL DEATH PENALTY. BUT THEY ARE SWIMMING AGAINST THE TIDE ON THIS ONE. THE PEOPLE -- BY A HUGE MARGIN -- ARE SAYING IT'S TIME FOR JUSTICE! HOW ABOUT YOU?

THIRTY-EIGHT STATES HAVE REENACTED A DEATH PENALTY SINCE 1972, WHEN THE SUPREME COURT WIPED THE SLATE CLEAN. PLAIN AND SIMPLE, WE OUGHT TO HAVE A FEDERAL DEATH PENALTY FOR THE MOST SERIOUS FEDERAL CRIMES: TREASON, ESPIONAGE, AND MURDER.

FINALLY, THE BATTLE OVER THE SUPREME COURT VACANCY CAN ONLY BE DESCRIBED AS UGLY. THE POLITICAL ATTACKS A MAN AS HIGHLY QUALIFIED AS JUDGE ROBERT BORK -- A MAN WHOSE NOMINATION WAS STRONGLY ENDORSED BY NEARLY EVERY LAW ENFORCEMENT GROUP -- WAS A DISGRACE.

THE AMERICAN PEOPLE ARE WONDERING WHAT'S GOING ON. THEY SEE THEIR SUPREME COURT -- THE HIGHEST COURT IN THE LAND -- NOW IN ITS THIRD MONTH WITH ONE EMPTY SEAT. AND THAT MEANS JUSTICE IS NOT BEING SERVED. IN MY BOOK, A SUPREME COURT ONE VOTE SHORT IS NOT WHAT AMERICAN JUSTICE IS ALL ABOUT. IT MEANS ONE MISSING VOTE ON ISSUES THAT ARE IMPORTANT TO EVERYONE IN THIS ROOM: ON VICTIMS RIGHTS; ON POLICE RIGHTS; ON LAW AND ORDER; OR WHATEVER ELSE IS IMPORTANT TO YOU.

BUT THE BATTLE IS FAR FROM OVER. THE NEW
NOMINEE, JUDGE ANTHONY KENNEDY OF THE NINTH
CIRCUIT, IS A MAN WHOSE JUDICIAL RECORD IN LAW
ENFORCEMENT IS VERY PROMISING.

FOR EXAMPLE: IN 1983, JUDGE KENNEDY
SUGGESTED, IN A DISSENT, THAT THERE SHOULD BE AN
EXCEPTION TO THE EXCLUSIONARY RULE WHEN POLICE
OFFICERS INVOLVED ACT IN GOOD FAITH. AS MOST OF
YOU KNOW, THIS EMINENTLY SENSIBLE SUGGESTION
WAS ADOPTED BY THE SUPREME COURT IN 1984, AT
LEAST AS FAR AS SEARCHES CONDUCTED WITH
WARRANTS ARE CONCERNED.

I SAY, IT'S TIME WE STOP HAND-TYING THE POLICE
AND START HAND-CUFFING THE CRIMINALS.

I SHOULD ADD THAT WE ARE WORKING IN
CONGRESS TO EXTEND THAT SENSIBLE EXCEPTION TO
WARRANTLESS SEARCHES AS WELL.

AT THIS POINT, IT APPEARS THE JUSTICE
DEPARTMENT FINALLY DID ITS HOMEWORK ON THIS
NOMINATION. THE PROSPECTS FOR CONFIRMING
JUDGE KENNEDY APPEAR TO BE VERY GOOD. BY EARLY
IN 1988, I'M OPTIMISTIC THAT -- AT LONG LAST -- WE WILL
HAVE A FULL COMPLEMENT ON THE COURT.

THANK YOU VERY MUCH.