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True Faith and Allegiance

The Honorable John Ashcroft

EDWIN MEESE III, RONALD REAGAN DISTINGUISHED FELLOW IN PUBLIC POLICY, THE HERITAGE FOUNDATION: It is a distinct honor for me to have the privilege of presenting to you a good friend and a great public official.

Two decades ago, William French Smith, who was my predecessor and the first Attorney General in the Reagan Administration, described the position of Attorney General as “being like the captain of the Olympic Javelin Team who elected to receive.” John Ashcroft took one of the toughest jobs in the Cabinet and has performed his duties with dignity, integrity, and excellence.

The background of Attorney General Ashcroft is a history of dedicated service to the public. As State Auditor, Attorney General, and Governor of Missouri, he served that state very well. As a United States Senator, he served our country very well. And now, as Attorney General of the United States, he has served our country and the world as he has led law enforcement efforts throughout the globe in the crusade against terrorism.

When John Ashcroft was sworn in as Attorney General—just four years ago today—no one could have anticipated then how the events of September 11, 2001, would change the nature of that position. As the burden of national security was added to that of crime control, Attorney General Ashcroft, as the nation’s chief law enforcement officer, has pioneered the legal, policy, and operational changes that were necessary to protect the public safety.

Talking Points

- How best to nurture and defend liberty is the unending challenge of any self-governing people. The debate about liberty is really a debate about the rule of law and the role of law.
- September 11 reminded us that our love of freedom and commitment to the rule of law are neither self-executing nor self-sustaining. They must be defended, and their defense is neither easy nor without cost.
- The men and women of Justice have used the tools provided by the USA PATRIOT Act not only to save lives from terrorists, but to save children from kidnappers and pedophiles.
- Congress must ensure that the will of the people is reflected in the law and honored on the federal bench. Congress should reinstitute tough sentences and certain justice for criminals and restore to police and prosecutors the leverage they need to defend the lives and liberty of Americans.

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In this, as in all his public service, John Ashcroft has left a distinguished record of accomplishment reflecting a life of patriotism, honor, and faith in God. Today, he honors us at Heritage by being with us to talk on a topic that embodies his approach to serving our nation: “True Faith and Allegiance.”

Ladies and gentlemen, the Attorney General of the United States, John Ashcroft.

THE HONORABLE JOHN ASHCROFT: Thank you, Ed, for that introduction. And I thank Heritage Foundation President Ed Feulner and Executive Vice President Phil Truluck for the opportunity to be here today.

For 25 years, Heritage has produced the blueprint for conservative governance, a document called *Mandate for Leadership*. I noticed that the most recent *Mandate for Leadership* has slimmed down to a mere 156 pages from its original 3,000-page bulk. I will resist the temptation to think this is Heritage’s way of doubting my ability to digest 3,000 pages of material. Let me just say, “less is more” and leave it at that.

It is an honor to be here on a day of anniversary for me. Four years ago today, I pledged to support and defend the Constitution as Attorney General of the United States. On that day of beginning, I noted that our success or failure would be determined by our stewardship of freedom.

Today, on this day of ending, freedom is on the advance in America and around the world. The citizens of Iraq have defied death and expectations to plant the seed of self-government in the Middle East. They are embarking on a journey—and a discussion—that is well-trammeled ground in our young country.

Enhancing Freedom Through the Rule of Law

How best to nurture and defend liberty is the unending challenge of any self-governing people. As the Iraqis are discovering, the debate about liberty is really a debate about the rule of law and the role of law.

The notion that the law can enhance, not diminish, freedom is an old one. John Locke said the end of law is “not to abolish or restrain but to pre-

serve and enlarge freedom.” George Washington called this “ordered liberty.” Ordered liberty is the reason we are the most open and the most secure society in the world. Ordered liberty is a guiding principle, not a stumbling block to our security.

Freedom, nurtured and protected through the law, has helped make America a nation of optimists. We tend to take for granted that tomorrow will be better than today, that America will always be a model of prosperity and freedom for the world. But September 11, 2001, reawakened us to a sobering reality: We are not invulnerable. What we thought was security was merely the quiet before the storm. What we were told was good policy was rapidly receding good luck.

Most of all, September 11 reminded us that our values—our love of freedom and commitment to the rule of law—cannot be taken for granted. The values that have made America great are neither self-executing nor self-sustaining. They must be defended, and their defense is neither easy nor without cost.

It no longer suffices merely to mouth the words of liberty and justice, and we can no longer afford to substitute soft sentiment for hard responsibility. Rhetoric must be supported by action. Commitment must be sustained through sacrifice.

Defending Freedom in the 21st Century

I believe history will record that in the first decade of the 21st century, the men and women of our nation’s Justice community embraced the challenge of defending freedom through the law; and as their responsibilities have increased, so too have their accomplishments. Asked to defend America’s freedom from terror, they have given us new freedom from violent crime, drug abuse, gun crime, and corporate crime. Called on to attempt the improbable, the men and women of Justice have achieved the impossible.

For three years, and in defiance of all expectations, America has not endured another terrorist attack. Violent crime is at its lowest rate in three decades. We have seen double-digit reductions in the rates of rape, sexual assault, robbery, and assault. Gun crime prosecutions are at a record

high, and violent crimes committed with guns are at a record low. Drug use among the nation's youth is declining. Corporate criminals are facing justice, and integrity has been restored to the nation's marketplace.

Such a record of accomplishment is not an accident of history or a gift of demographics. It is the result of men and women accepting responsibility, making difficult choices, and confronting reality as they find it, not as they wish it would be.

Today, we are mindful of the men and women who have lost their lives and the agents, investigators, police officers, and attorneys who work long and difficult hours away from their families. And yet despite these hardships—indeed, through these hardships—we are, in a larger sense, blessed. We know the honor of sacrificing for freedom, while others know only the desperation of having no freedom for which to fight.

And so the challenge that confronts us as we go forward is serious: Will our nation remember the lessons of September 11? Or will America return to a time of arrogant wishful thinking—a time when our liberty was taken for granted, our security was neglected, and our citizens were left to fend for themselves?

Americans have heard many voices rightly warn against returning to a false sense of security with regard to terrorism. We cannot and must not retreat to the time when we underestimated our enemies, overestimated our defenses, and naively built bureaucratic walls between the men and women charged with keeping our nation safe.

But the danger of retreating into the illusions of the past goes beyond making ourselves more vulnerable to terrorism. Not so long ago, cynicism rather than optimism, and fatalism rather than resolve, were the guiding attitudes of justice and law enforcement. The so-called experts told Americans that crime was a fact of life: Get used to it. And drug abuse would never be beaten, so surrender to legalization was the best of an array of only bad options.

Above all, the cynics and defeatists stubbornly refused to accept a simple but fundamental truth about preventing crime: Just as terrorists can't harm Americans from behind bars or beyond the

grave, criminals can't commit crimes from behind prison walls. *The New York Times* annually sums up this resistance to reality when it runs a story wondering, with violent crime at an all-time low, why so many people are in prison.

Preventing crime is not a problem of technology or a problem of know-how. It is a problem of politics. Today, we know what works to keep our streets, neighborhoods, and cities safe. In years past, what our leaders have lacked is the will to create and to use tough penalties for offenders and effective tools for law enforcement.

By striking indiscriminately at innocents, terrorists have given us that will. Terrorists struck at the foundation of ordered liberty—they used violence to disrupt order, killing to instill fear, and terror to limit the exercise of liberty—and succeeded only in buttressing that foundation.

Al-Qaeda has failed beyond its darkest nightmares. America today is safer and freer than it was on September 10, 2001. For when our families can live peacefully in our communities, when our wives, daughters, and mothers can travel the streets safely, and when our children are turning away from illegal drugs, we are not only more safe, we are unquestionably more free.

The credit goes to the men and women who did what so many said couldn't be done: men and women who enhanced freedom when so many said freedom was the price we would pay for our security. And as I take leave of the office of Attorney General, my thoughts go not to who receives credit for freedom's defense, but who will take up the challenge of freedom's future.

We have successfully used the threat and the imposition of tough penalties—enacted into law by Congress in the Federal Sentencing Guidelines—to help drive crime to a 30-year low.

- Violent crime was down 27 percent in 2001 to 2003 compared to the previous three-year period.
- Rape and sexual assault are down 31 percent.
- Robbery is down over 30 percent.
- Assault has fallen 26 percent.

But last month's Supreme Court ruling that federal judges are not bound by sentencing guidelines is a retreat from justice that may put the public's safety in jeopardy.

In all, 35 million Americans have been spared the pain of violent crime in the past decade—in no small part because the criminals who would have victimized them were serving tough sentences. How many of these Americans—which of our daughters, wives, and husbands—are we willing to sacrifice to return to revolving-door justice?

Congress must act to ensure that the will of the people is reflected in the law and honored on the federal bench. Congress should re-institute tough sentences and certain justice for criminals. It should restore to police and prosecutors the leverage they need to defend the lives and liberty of Americans.

Using the USA PATRIOT Act

The men and women of Justice also have used the invaluable tools provided by Congress in the USA PATRIOT Act—not only to save lives from terrorists, but to save children from kidnappers and pedophiles.

On December 16, Bobbie Jo Stinnett was in her home in Skidmore, Missouri, eight months pregnant, when she was strangled with a rope and her unborn child was cut out of her womb with a kitchen knife. When police officers searched a computer found in Stinnett's home, they discovered that she had been active on the Internet in connection with a dog breeding business. The officers found e-mail traffic between Stinnett and someone who called herself Darlene Fischer. Fischer claimed to be interested in a dog and asked for directions to Stinnett's house for a meeting on December 16.

Using investigative tools created in the PATRIOT Act, examiners at the Regional Computer Forensic Laboratory and FBI agents in Kansas City were able to trace the e-mail address of the woman identifying herself as Darlene Fischer to a server in Topeka and from there to an address in Melvern, Kansas. The suspect, Lisa Montgomery, was arrested at this address and subsequently confessed. Less than 24 hours after she was ripped from her

mother's body, Victoria Jo Stinnett was found alive, a final act of grace in a sad, savage drama.

The provision of the PATRIOT Act used to save Victoria Jo Stinnett is scheduled to sunset at the end of this year. Other proven—and constitutional—tools for law enforcement are similarly marked for extinction.

Before this is allowed to happen, the question Americans must ask themselves is this: How many young victims will not be found—how many will be found too late—because an arbitrary expiration date was imposed on our ability to fight crime and terrorism? How many Americans are we willing to sacrifice to meet a deadline?

The Americans saved in the past three and a half years vindicate the justice and the prudence of the PATRIOT Act. But the passage of time threatens to reverse the gains that we have made. Congress must act to make permanent the proven safeguards to liberty and security in the PATRIOT Act.

Victoria Jo Stinnett and millions of other Americans who have been spared victimization at the hands of criminals and terrorists are a warning; they are living, breathing reminders to those who are tempted to return to the wishful thinking and cynical pieties of our recent past. To retreat into the habits of the past is to recreate the victims of the past. It is to return to a world in which it is more likely that Americans will know the humility of crime and less likely that victims like Victoria Jo Stinnett will survive to see justice.

Conclusion

Earlier generations of Americans learned the lesson we relearned painfully on September 11. In places like Bunker Hill, Antietam, and Normandy Beach, Americans sacrificed in conflicts they did not seek, but for a cause they would not abandon.

We are grateful to these past generations, not because they guaranteed for us the ability to live in safety and security—they did not and they could not. We are grateful to them because they defended and passed on to us a great and noble cause—the cause of freedom—for which we are now called to sacrifice.

It has been my high privilege to serve under President Bush and alongside the men and women of Justice in defending freedom through the law. I will continue, as I have today, to speak gratefully of what we have achieved. But as the President would be the first to say, it is the height of arrogance to assume our accomplishments are ours alone. The Psalms remind us: “Unless the Lord watches over the city, the watchman stands guard in vain.”

My fellow Americans, for four years we have stood watch together. We have endured many things, and we have accomplished many more. It has been the honor of my lifetime to stand beside you. And as I take my leave of this privileged post, I know that our efforts have not been in vain. The Builder of our city and the Author of our freedom has stood beside us. He stands beside us still.

—*The Honorable John Ashcroft served as Attorney General of the United States from 2001 to 2005.*