

**A Global Forum on Fighting Corruption: Safeguarding Integrity Among Justice and Security Officials**Home 1 Conference Papers

# **Conference Papers**

**Remarks by Deputy Attorney General, Eric H. Holder, Jr.**  
**“Legal Frameworks and Enforcement Authorities”**  
February 25, 1999

Thank you for the introduction Jonathan, and thank you to the Vice President, the State Department, and all the other U.S. government agencies that helped in the planning and organization of this global forum on corruption. You have all done a terrific job.

I am very pleased to have been asked to host this morning’s opening issue session on “legal frameworks and enforcement authorities.” Before introducing our distinguished panel, I would like to make a few opening remarks about the problem of judicial and law enforcement corruption and the special challenges that this type of corruption poses for law enforcement.

## **JUDICIAL OR LAW ENFORCEMENT CORRUPTION IS NOT A VICTIMLESS CRIME**

The serious consequences of judicial and law enforcement corruption are often misunderstood or cynically rationalized. As Deputy Attorney General of the United States, and as someone who has been a federal public corruption prosecutor for twelve years, a judge, and the chief federal prosecutor for my nation’s capital, the District of Columbia, I have devoted much of my professional life to trying to dispel the perception that public corruption is a victimless crime. The myth that corruption harms no one is one of the biggest lies in public life today. Corruption has many victims, especially when it involves courts and law enforcement agencies.

Here in the U.S. in recent years, in some of our major cities, judges have been caught fixing criminal cases, and police officers have been found to be on the payroll of narcotics organizations. As a result, drug dealers and other dangerous criminals were released back into society. The communities that have been threatened by these wrongly released criminals are the immediate victims of that judicial and law enforcement corruption.

But corruption in the justice system has other less obvious victims. Ensuring public safety and providing a system of justice are core functions of government. Corruption of those functions has a ripple effect that touches almost every aspect of political and economic life. Left unchecked judicial and police corruption poses a powerful threat not only to the courts and the police but to the freedom and prosperity those institutions preserve.

From a law enforcement perspective, any public perception that the criminal justice system is corrupt, makes it harder for us to do our jobs. Witnesses who have lost faith in the system do not come forward, do not see the need to testify, and will not cooperate in investigations. Judges and juries are more reluctant to convict criminals when they do not trust the police and the prosecutors who present the cases. Moreover, a loss of public confidence in our institutions of justice can set in motion a downward spiral by deterring honest and able citizens from pursuing careers in public service

## **CORRUPTION FACILITATES INTERNATIONAL CRIME.**

The consequences of this type of corruption are by no means limited to domestic effects.

Corruption in our judicial and law enforcement systems threatens the ability of the global community to respond to the growing threat of international crime, especially from international criminal organizations, which often are very adept at using corrupt officials to protect their operations.

In addition, with the growth of international drug trafficking, computer crime, and terrorism, it is more essential than ever for law enforcement agencies around the world to share information and work together. Where there is a perception that law enforcement and judicial officials are corrupt and untrustworthy, we cannot work together effectively on the international level.

#### IMPORTANCE OF CRIMINAL LAW ENFORCEMENT.

There are many ways to reduce corruption. Throughout this forum you will hear about the importance of addressing corruption comprehensively, with a strategy that includes, among other things, merit-based hiring, adequate salaries, integrity training, better management, independent auditing, and increasing the transparency of government decisions.

While I agree that a comprehensive strategy should include a wide array of administrative and managerial practices designed to enhance integrity, I firmly believe that criminal law enforcement must be the cornerstone of any successful strategy to control public corruption. When it comes to hardcore, deeply rooted corruption, administrative and managerial measures to promote integrity are inadequate. To rid a public institution of systematic corruption, especially corruption connected to criminal organizations, it is essential to use criminal law enforcement.

#### SPECIAL PROBLEMS ASSOCIATED WITH JUDICIAL AND LAW ENFORCEMENT CORRUPTION CASES.

As those of us in law enforcement know, public corruption cases as a general matter are difficult to investigate and prosecute. Our experience in the U.S. is that corruption cases against judges, prosecutors or police officers are especially difficult and present special challenges.

For instance:

- Prosecutors are often reluctant to investigate and prosecute police officers or other prosecutors with whom they regularly associate.
- Police agencies sometimes cannot be trusted to investigate themselves.
- Judicial corruption investigations can cause judges to distort their decision making process in unrelated cases to curry favor with their investigators or otherwise influence the outcome of the investigation.
- Aggressive investigative techniques like undercover operations and electronic surveillance are often needed to make a provable case, but these techniques can destroy the morale of honest judges, prosecutors or police officers.
- A code of silence or a culture of non-cooperation frequently keeps police officers from coming forward with information or otherwise cooperating with investigations involving corruption by fellow officers.
- Decisions not to investigate or prosecute allegations of judicial or law enforcement corruption are often difficult to justify publicly and can be perceived as efforts to cover up embarrassing misconduct.

During the course of this issue session, we will discuss the extent to which these and other special problems associated with judicial and law enforcement corruption are universal, which problems are the most serious, and what solutions have proven effective in dealing with the problems.

## INTRODUCTION OF PANELISTS

To help us better understand the elements of a successful law enforcement program and how to achieve one in the sensitive and challenging area of corruption among judicial and security officials, we are fortunate to have a very distinguished international panel:

Our first panelist, Mr. Sang-cheon Park, is the minister of justice for the Republic of Korea. He has had a long and impressive career of public service. He has been a member of the Korean national assembly since 1988, and has had extensive experience as a prosecutor in various district prosecutors' offices, has been a judge, and has practiced for than 10 years as a private attorney.

Next, we have Philip B. Heymann, the James Barr Ames professor of law at Harvard Law School, where he is the director of the law school's center for criminal justice. Professor Heymann is a leading expert on the subject of corruption and criminal law enforcement.

Professor Heymann served as the first Deputy Attorney General in the Clinton administration. In the late 1970s and early 1980s, he was assistant Attorney General for the criminal division, which means he was the country's chief federal prosecutor.

Our third panelist, is Mr. Vasyl Durdynets, from Ukraine, where he is the chairman of the presidential commission on combating corruption and organized crime, and the director of the national bureau of investigation. Mr. Durdynets has also had a distinguished career of public service at the highest levels of government. He has served Ukraine as the acting Prime Minister and the first Deputy Interior Minister.

I am going to give each of our panelists an opportunity to make some opening remarks of approximately 15 minutes in length. After Mr. Durdynets makes his remarks, I would also like to ask Minister Lubucka of Latvia to make a few remarks. We will then have a discussion of issues relating to criminal law enforcement and judicial and law enforcement corruption. At the end, we will have an opportunity for questions from the floor.

Minister Park would you like to lead the way?

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Holder's concluding remarks:

It is clear from our discussion this morning that many of the basic challenges that arise in cases involving judicial and law enforcement corruption transcend national borders. To a large extent, the challenges are the same, although the appropriate responses may differ in different countries. All of which suggests that there is much we can learn from the experiences of each other.

In closing, I would like to observe that all of us on the panel agree that we must have institutions that are impartial and strong enough to investigate and prosecute the tough cases against corrupt judges, prosecutors, and police.

We must be equipped to bring cases against even high ranking officials. When cleaning a staircase, it is best to start at the top. So too with systematic corruption. the leaders of a public

institution set the tone. If high ranking judicial officials or law enforcement officials are taking bribes and using public resources for private gain, we cannot reasonably expect low level employees to conduct themselves with honesty and integrity. It is the only way we can hope to restore confidence in public institutions that have been corrupted.

Finally, I'd like to thank our three panelists for their insightful presentations and comments. And a special thanks to Mr. Park and Mr. Durdynets for traveling so far to be with us. And to my former boss and good friend and great public servant, Phil Heymann, thanks.

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