

FEBRUARY 10, 1994, THURSDAY

**JUSTICE DEPARTMENT WEEKLY NEWS CONFERENCE WITH ATTORNEY GENERAL JANET RENO
JUSTICE DEPARTMENT WASHINGTON, DC**

ATTY GEN. RENO: Good morning.

Q Any announcements about a deputy?

ATTY GEN. RENO: No.

Q Can you give us any hint about how the search is progressing?

ATTY GEN. RENO: It's progressing.

Q Yesterday -- (off mike) -- the independent counsel statute -- (off mike) -- arguments as to how automatic it should be or whether the attorney general should retain the right to start the process. Do you have any particular position on this? Does the administration have a particular position?

ATTY GEN. RENO: I had not heard the specifics of the debate. I do think that there has to be a threshold. Q Mr. Heymann was quoted in the Wall Street Journal as having been disturbed by what he perceived to be some interference by Mr. Nussbaum in the Justice Department investigation of the Vince Foster matter. (Off mike.)

ATTY GEN. RENO: At the time when Mr. Heymann reported to me, I told him to make sure that there was no interference whatsoever, and I confirmed that fact, as well.

Q Do you also have any reaction to his quotes about the contact the Justice Department has with the White House and the somewhat willy-nilly nature of it as he described in U.S. News and World Report?

ATTY GEN. RENO: I didn't see his quotes, so I couldn't react. What I have tried to do is to make sure that on matters of law enforcement, that there is no inappropriate contact and that our policies are adhered to as vigorously as possible.

Q General, do you think that his criticisms of your management style are in any way legitimate?

ATTY GEN. RENO: I don't know what his criticisms are, but I welcome all criticisms and am always trying to do the best job I can.

Q You've been -- you were nominated almost a year ago. How do you feel about -- what do you feel that you've accomplished, and are you satisfied with the progress so far?

ATTY GEN. RENO: One of the things that I have expressed frustration about throughout is the length of time it takes to get people nominated and confirmed, and I'm not satisfied with that progress. I am very satisfied with steps we have taken in terms of law enforcement coordination, in terms of building a team with U.S. attorneys and getting extraordinarily fine U.S. attorneys on board and acting in their positions and many confirmed. We had a three-day conference with U.S. attorneys and with federal law enforcement agencies meeting together, and I think that there is an enhanced effort both in terms of violence, in terms of drug enforcement that will be available throughout the country because of this effort.

I am just as pleased as I can be by the whole undertaking of the Office of Justice Programs, working with Weed and Seed and with other agencies to focus our resources in the wisest way possible, both in terms of law enforcement support and in terms of violence prevention. I think we have made some significant steps in opening up the department so that we can be accountable to the people, so that we can try to respond as openly as possible consistent with law enforcement needs and with the privacy and FOIA requirements. Those are some of the points that I think of now.

Q You've been described, really, both by your friends and some of your critics as being children's attorney general, and by your critics who suggest it to the exclusion of the more traditional role of attorney general. Do you think that's fair?

ATTY GEN. RENO: No, because as I have pointed out, last week when I announced that we finally have a resolution by the Office of Investigative Agency Policy that for the first time will provide for an opportunity for the DEA and the FBI to share information. This extends beyond just intelligence information sharing. It extends to probably the best coordination amongst federal law enforcement agencies the career people have told me that they have seen for some time.

We have worked with U.S. attorneys to do everything possible to strengthen law enforcement support for U.S. attorneys, and I think what I bring to the table is based on 15 years of prosecution in terms of doing whatever I can to eliminate turf battles, doing whatever I can to make sure that we focus on career criminals, the dangerous offenders and get them put away and kept away, that we make sure we try to have enough prison cells to do just that, that we develop al-

ternative programs for mid-level offenders who are non-violent, who are returning to the community, and that we make sure that we don't waste our punishment by returning them to the community without the chance of success. And most everyone that I've talked to recently -- mayors, governors, community officials, police officers, sheriffs -- know that unless we exercise efforts at prevention, we will never solve the problem.

I think what I bring is not political rhetoric, not instant solutions, but experience from 15 years of working in the streets of America to know what works and what doesn't work and to try to develop it on a federal level.

Q Ms. Reno, some time ago you said that you were going to develop a gun licensing program for the White House in an expeditious manner, and I was wondering where we are.

ATTY GEN. RENO: I have seen some initial proposals and have asked questions about them, have asked for further research on them and expect some responses shortly.

Q Have you have any discussions with Republican members of the Senate Judiciary Committee about the Patrick nomination?

ATTY GEN. RENO: No, I haven't.

Q Do you expect any serious trouble there? Have you talked to --

ATTY GEN. RENO: Anybody who has had an opportunity to talk with Deval Patrick, anybody who has had an opportunity to watch him as he fields questions and -- if you watch him in action -- I think as people talk to him, as they understand his background, as they understand his excellence as a lawyer, as they understand his dedication, they are going to be delighted and proud to vote to confirm him. And I think he will be a leader in this department.

Q Ms. Reno, maybe you've gone over this in a previous press conference. I'm not sure. But if Congress does pass the independent counsel law, would you favor or would there be any possibility that Mr. Fiske could from special counsel to independent counsel?

ATTY GEN. RENO: What I have tried -- one of the points that I expressed concern about early on was pointing out that, since the passage of the independent counsel law seemed imminent, that there might be the chance of having me appoint a special counsel and then the court appoint somebody else. I think that would be extraordinarily disruptive of this investigation. What I want to try to do is see that there is continuity in the investigation and that inasmuch as possible I ensure independence.

Q But he couldn't be moved, Ms. Reno, from --

ATTY GEN. RENO: That's going to depend on the statute and the ultimate language of the statute.

Q Are you asking for language in the statute that ensures that either he stays on --

ATTY GEN. RENO: We are --

Q -- without interruption or that there's a capacity for a formal appointment of him by the court?

ATTY GEN. RENO: We have researched the issue and are trying to figure out what the best approach is consistent with the law and consistent with Mr. Fiske being independent.

Q When he was appointed, Mr. Fiske was asked this question. He said he was happy to be appointed by you rather than to have independent counsel status. Is there any indication that Mr. Fiske would want to be a part of --

ATTY GEN. RENO: Well, as I've pointed out, one of the things that I'm trying to do is to make sure that he is as independent as possible. And so we will be working with him to ensure that his objectives are achieved.

Q Ms. Reno, back on the new deputy, is the situation such that you have made known the person that you want for the job and the president has yet made up his mind?

ATTY GEN. RENO: We're trying to work through all those issues and balance everything, and we will be making an announcement shortly.

Q What about three strikes and you're out? Have we had any language entrenched yet?

ATTY GEN. RENO: I don't have any language. We have a number of proposals. But I think everybody wants to make sure that we focus on the dangerous offender -- the three-time armed robber, the person who is truly dangerous -- and we get them put away for all of their crime-producing life. We want to avoid the situation where somebody gets in a bar-room brawl and is charged with a violent felony at 18, and then at 40 does something else, and then at 50 does something else. I think we can draft language that gets at what the American people are concerned about: the true -- (audio break) -- put them away for their crime-producing life.

Q Have you discussed --

Q What does that mean, "crime producing --"

Q -- your view that -- or the distinction that you're making in discussing that with the White House dangerous offender.

Q And therefore it -- (off mike) -- that you hold the "three strikes you're out", the reason is it's in the Senate bill.

ATTY GEN. RENO: What we want to try to do is to take the provision in the Senate bill, look at it as carefully as possible, and make sure that we focus, that the language focusses on the truly dangerous.

Q Senator Lott's language in the Senate version of the crime bill is rather specific. He's got RICO offenses, he's got offenses against federal officials, he's got offenses on the high seas and on federal property. Are you considering broadening those provisions so that a common violent felon who commits a federal felony kicks in the "three strikes and you're out" provision?

ATTY GEN. RENO: I don't think that violent felonies are necessarily common. If you think of an armed robber as a common violent felony, it may be common in frequency, but I don't like to think that it is a de minimis crime and --

Q (But ?) you want to broaden the language in the Senate bill. Is that -- ATTY GEN. RENO: What I want to try to do is to make sure that we focus on the truly violent offenders, the people who commit three violent crimes and who have been convicted and have been sentenced and that have indicated that they are true career criminals. And I want to get them put so far back into prison that they never get out.

Q What if --

(Cross talk.)

Q (Inaudible due to cross talk) -- when somebody who commits a violent crime at 21, that holds up a 7-11 with a gun and may shoot someone and then -- and he doesn't commit another crime until he's 50 and then he doesn't have one until he's 57. What is the difference? In your view, what is the -- how do -- what other considerations do you apply to the age gap?

ATTY GEN. RENO: One of the considerations that you apply if he committed a violent crime at 21 and was sentenced to 30 years in prison and got out of prison, immediately committed another violent, and then committed another violent crime as soon as he was out of prison at 57, that person has indicated to me that he has -- that he is dangerous and he should be put away. He should have been put away the second time.

Q Ms. Reno, when you say "crime-producing life", can you explain a little what that means? Does that mean for his natural life?

ATTY GEN. RENO: That's --

Q (Inaudible) -- or does it mean something else?

ATTY GEN. RENO: That's one of the things that we're looking at in terms of trying to understand it. You don't want to be running a geriatric ward at age 75 or 80 for people who are no longer dangerous.

Q If you set up some kind of time period, are you going to exclude prison time from that time period? In other words, if you say -- if someone commits three violent felonies in the course of 20 years and the person spends 10 of those years in a federal prison -- (inaudible).

ATTY GEN. RENO: Those are the issues that we're looking at, because if somebody spends substantial time in prison, comes back, immediately commits another violent crime, spends more time in prison and then immediately commits another violent crime, I don't think they should ever be out.

Q Ms. Reno, what about mandatory minimums. You've been a vocal critic -- (inaudible). Have you changed your view on that?

ATTY GEN. RENO: No, I have always supported minimum mandatories and used them quite regularly in Miami as I sought to have people prosecuted in federal court under trigger lock for just such "three strikes you're out" situations as I have described. And I think minimum mandatory sentences in those situations are extraordinarily important to make sure that they are not prematurely released from prison.

But it is of concern to me -- what I want to focus on are the non-violent first offenders who are not dangerous, who are coming back to the community at some point. I think certainty of punishment is more important in that situation than the length of punishment. I think you can achieve as much with certainty and with at the same time providing an opportunity for them to come back to the community with a chance of succeeding. If they go into prison, for example, with a drug problem and you do nothing to address the drug problem and then return them to the community without treating the drug problem, without any job training or placement, they're just going to be doing it again and it's a waste of time. But if you have certain, fair, firm punishment combined with programs that enable them to come back to the community with a chance of success, it makes better sense.

Q But, Ms. Reno, wouldn't you -- how do you perceive your own study? Do you think that it showed there were too many minor first-time offenders in the federal system and that our program is too broad? ATTY GEN. RENO: We are looking at it to determine just what we know in terms of those who are undocumented aliens and what their prior records might be in their home country. It is somewhat difficult to tell based on all the information and the fact that a number of them include undocumented aliens.

Q Ms. Reno, a week ago today your office announced procedures to expedite FOIA requests. Have you heard back from Mr. Fiske on whether he believes release of any of those reports on Mr. Foster would hinder his investigation? And if not --

ATTY GEN. RENO: No I haven't.

Q -- when do you anticipate hearing from him?

ATTY GEN. RENO: No, I have not, and I have not tried to put deadlines on Mr. Fiske to ensure that he is independent.

Q Let me ask you another question about the "three strikes you're out." What is the distinction that you apply to the bar room brawler who then 20 years later commits a violent crime? Are you saying that's the kind of person who shouldn't be sent up for life, somebody who gets into a fight and hurts somebody and they serve a short amount of time and then 20 years later commits a violent crime, that's the kind of person who shouldn't be considered?

ATTY GEN. RENO: You have to look at each case on a case-by-case basis. But what we're trying to do is develop a statutory framework that can focus on the truly dangerous.

Q And do you think there's an age beyond which people are no longer dangerous? You were saying that you don't think we should be running geriatric wards for --

ATTY GEN. RENO: I think you have got to look at it in terms of the crime, in terms of people's predilection for the crime, and that that's another issue that we're trying to look at.

Q Ms. Reno, isn't that what judges are supposed to do? Isn't there a fundamental flaw in the whole concept of the mandatory minimum, that you take away from judges the ability to a case-by-case look, as you said.

ATTY GEN. RENO: It's very difficult to say that because judges lose jurisdiction of the case -- what you're focusing at is the end of the sentence, and the judge does not usually have authority to determine whether the person is -- how long they continue to be dangerous. That's what we're trying to look at in this whole system.

Q (Off mike.)

ATTY GEN. RENO: The review was not aimed at anybody. The review was aimed at trying to develop information.

Q But I mean it's not a significant (point ?) that first-time drug offenders are doing time, and they are holding down prison space --

ATTY GEN. RENO: I don't think it's -- I don't think it's a problem for a first-time person who traffics in drug to do time. I think it is very important that people know if they traffic in drugs, if they serve as the distributor of drugs, that they are going to get a certain fair, firm punishment.

Q To rephrase an earlier question, what is the lesson learned from the study that was released a week ago?

ATTY GEN. RENO: You would have to conclude your own lessons learned, but what we're trying to do is to develop information. It's difficult because we have a significant number of undocumented aliens in the prison, we don't know what, with accuracy, their prior records were in the countries they came from, but we're trying to use the information we gain from that to build on further information and to try to make recommendations with respect to how we use prison resources to put the major trafficker, the major distributor away for lengthy periods of time. What we do to identify the person who has a substance abuse problem and is non-violent and what we can do to both punish fairly and to return them to the community with drug treatment and with a chance of success -- what we're trying to do is get solid information and get out of the business of political rhetoric, start looking at the crime problem from a real sense, from a factual sense about works and what doesn't work, and try to make the best recommendations we can.

Q It sounds like you're saying that, almost a year later after receiving the study, you still don't have solid information. Is that correct?

ATTY GEN. RENO: That is correct because it is very difficult with the significant number of undocumented aliens in the prison system to have accurate information concerning their prior records.

Q So you have to have another study to --

ATTY GEN. RENO: No, I think it would be extremely difficult to document for those people who have come from other countries what their prior record would be.

But what we try to do is get the best information possible and make the best decisions we can based on common sense and logic.

Q To follow up, the study concluded that roughly one in five of offenders in the prison system were these first-time non-violent drug offenders who were in because of mandatory minimum sentences. Are you saying that you do not accept that number because you don't know how many of them might be aliens and you don't know what their prior history was?

ATTY GEN. RENO: I don't know what -- I am saying that we do not know if they are all non-violent first offenders because we don't know what their prior history was if they came from another country and we cannot document that.

Q Then you do not accept the (21.2 ?) percent figure in the study?

ATTY GEN. RENO: I don't know what you mean by accept it. I accept the 22.1 figure. I accept it as as good as I can get.

Q Were you surprised at that number? I mean, when you asked for the study last May, you had said you had an impression that there were too many non-violent first-time offenders in prison, you wanted to see how many there really were. Was this number higher, lower than you expected?

ATTY GEN. RENO: I didn't -- I try when I ask for information not to expect anything so that I don't let my feelings shape what the facts might be. What this does is support the provision in the crime bill now that provides for typing minimum mandatory sentences into the sentencing guidelines for true non-violent first offenders.

Q Are you making any effort to try to document the crimes that aliens committed in our country?

ATTY GEN. RENO: I think that would be absolutely impossible to do with accuracy.

Q (Off mike) -- of the 20 percent, how many are aliens, how many are citizens?

ATTY GEN. RENO: I don't know.

Q (Off mike.)

ATTY GEN. RENO: Yes, it would be. I'll try to get you that information and let you know.

Q But I mean if, say, a small percentage of those people were aliens, then the -- (off mike.)

ATTY GEN. RENO: Well, I'm just telling you what my information is. If you want additional information, we'll be happy to try to provide it to you. Do you have another question?

Q No.

ATTY GEN. RENO: Okay. If you need --

Q (Off mike.) (Laughter.)

ATTY GEN. RENO: If you need any further information, let us know, and we'll be happy to try to furnish it to you.

Q In the budget, as long as Mr. Colgate is here, in the budget under the DEA section, DEA is taking a slight hit, not a great hit, but a slight hit for '95.

It mentions -- nearly \$7.8 million in savings through more efficient procedures, but it doesn't really give much of an explanation as to what these efficient procedures are. Does that include the combination of computer information with the FBI or is it a whole series of more effective --

ATTY GEN. RENO: Both the Drug Enforcement Administration and Mr. Colgate can comment more specifically, but what we're trying to do both with DEA and the FBI is to get agents and people to the field in ways that can be truly effective, that we can improve the technology. I don't know whether we'll have these savings in the immediate future, but we want to make sure that we are as efficient as possible.

MR. COLGATE: The savings identified in the budget are savings identified in administrative areas very consistent with the reinvention initiatives to try to streamline management and administration. It maintains a level of DEA agents and FBI agents at the current '94 level. You will see other administration and reinvention initiatives across the Department of Justice. So those savings that you see in DEA are consistent to where we're looking for improvements in other areas of Justice.

Q General Reno, I have some questions on the national drug control policy announced yesterday. One is, on the enforcement side, is there anything in that strategy that compensates for the cut of 5,000 DEA agents based on last year's January 1993 across-the-board cut? And separately, on the enforcement side, is there anything that compensates for the cut of \$50 million in the bureau -- the State Department's Bureau of Narcotics Interdiction?

ATTY GEN. RENO: You'd have to the State Department about its bureau. One of the things that I am trying to do is to maintain law enforcement at its current level or at an enhanced level. I think there have been too many agents, both throughout government, that have been headquartered in Washington. And I think we can put them on the street and make our whole effort more effective. One of the most frustrating experiences that I've had, both in my time in Miami and in this past year, have the turf battles between the federal agencies, particularly within the Department of Justice. I am just delighted at the new efforts underway to improve this coordination, to share information, to share intelligence, to coordinate their efforts. And I think that this is and will produce enhanced drug enforcement efforts.

Q Can I ask you about the inspector general's office and whether you plan to merge it with Mr. Shaheen's operation?

ATTY GEN. RENO: What I'm trying to do is, first of all, focus -- I'd like to get our inspector general nominee confirmed so that I can understand all of the office and how it should be operated. I've also asked that we make sure we eliminate our backlog, and I've been working with Mr. Shaheen that he had the staff necessary to address the backlog had accumulated. I also want the process to be as open as possible consistent with the Privacy Act and with the FOIA act so that people will know exactly what happens and can have confidence in the process. I think the best thing to do is to -- and we're in the process of looking at that -- is get both offices to work together to see what's the best thing to do.

Q Well, you have one objection to Mr. Bravitch's (ph) nomination from Senator Hatch because he opposes a merger. You have a hold on the nomination from Senator Glenn because he wants the merger. What are you going to do?

ATTY GEN. RENO: I'm going to do what I think is right and go to both senators and tell them: "These are our findings. This is what we have determined so far. And this is what we would like to do."

Q Ms. Reno, do you have a position on -- (inaudible) -- to federalize violent crime -- (inaudible) -- do the same with 13-year-olds -- (inaudible) -- U.S. prosecutors to charge them as adults?

ATTY GEN. RENO: I think it's very important that we develop a partnership with state and local government and state and local prosecutors. They are far more experienced in the prosecution of violent crime, and I think that we need to approach it from the point of view of what should be handled in state court and what should be handled in the federal court, what is -- what should be presented in federal court based on principles of federalism and expertism and what should be presented in state court. I don't think it's helpful. I think Director Freeh has expressed concern about the federalization of offenses so that the two courts begin to blur. I think, if each system uses its resources as effectively as possible in partnership with the other system, we can make it work far better.

Q How about -- (inaudible) -- 13-year-olds?

ATTY GEN. RENO: Again, I think that one of the points that is of concern to me is that there is no real federal apparatus for the handling of juvenile offenders. Traditionally, state courts and state court systems have handled juvenile offenders. And we again must look at it in terms of who does what best and support state efforts considering state experience in the handling of juvenile offenders.

Q Is that more than one issue, though?

I mean, are you -- what's your view of prosecuting them as adults under federal or state law?

ATTY GEN. RENO: In terms of prosecuting children as adults, it will depend on the particular state law involved. We had a situation once in which a 12-year-old had been guilty of homicide. The recommendation was that he be tried as an adult or charged as an adult so that the court could continue jurisdiction of that offender for the period of time that all those who had conducted pre-sentence investigations felt it was necessary for him to be supervised. And it was what everybody in the end thought was the best disposition of the case. I think when you're talking about children, you have to look at the state law, consider what's best, and make a determination as to who should be charged as an adult and who should be charged as a minor.

Q Have you forwarded your recommendation to the president, (general counsel and Congress ??)?

ATTY GEN. RENO: No, I have not.

Q Why not?

ATTY GEN. RENO: Because I'm still reviewing and asking questions.

Q Why? I mean, this is not -- I'm not meaning to harass you here, but --

ATTY GEN. RENO: You wouldn't ever harass me. (Laughter.)

Q But this -- I mean, this episode has gone on for a very long time now, and the factors aren't really that complicated, are they?

ATTY GEN. RENO: I just want to make sure I have the answers and that I do it right and I don't shoot from the hip and I make the best judgment I can, and I'm going to do it. And you can continue to harass me if you want to. (Laughter.)

Q What is the status (in ?) the Justice Department in view of its past performance -- (off mike)?

ATTY GEN. RENO: I have just received the report, and again, so you don't harass me next week about it -- (laughter) - - it's this thick, and I'm going through it and having meeting and want to make a judgment as soon as possible on it.

Q Did you actually have a chance to read the mandatory minimums study, and was it your impression that it's flawed because it doesn't include those numbers?

ATTY GEN. RENO: No, I don't think it's flawed at all in terms of the thrust of it. I'm just trying to be as accurate as possible with you in pointing out some concerns I have and so that everybody understands, but I think it is an excellent study.

Q General Reno, you spoke this morning of -- (inaudible) -- shift in emphasis toward treatment and away from what has been the emphasis in the last (10 years ?) prior to last year. In view of your statement a moment ago that you will only (make your own ?) decisions on what you think is solid information, how do you justify the shift toward treatment in view of the failure or at least the very low success rates of the treatment programs that we have now?

ATTY GEN. RENO: Which treatment -- what success rates are you talking --

Q (Off mike) -- about a 25 percent success rate.

ATTY GEN. RENO: If you can give me the specific case that you're talking about, but I don't think that there is any shift in emphasis. I think we are going to enhance our drug enforcement efforts through far better coordination of drug enforcement agencies and the FBI, Customs and even ATF. I don't think there is a shift in emphasis on enforcement.

What I do think -- because I don't think it's an either/or -- I do think that there is a desperate need for treatment. If treatment has not worked in certain situations, one of the reasons it hasn't worked is that it has been underfunded because there has not been emphasis in the past on treatment and people have had to do it on a shoe string. What I have seen, based on my experience and based on the studies that I have seen, is that treatment can work if it's done correctly, if there's appropriate follow-up, if you address the problems of the family and the person as a whole.

Now, sometimes there is a relapse, but sometimes a person who is being treated for cancer has a relapse. It doesn't mean that you give up. Treatment can be very successful.

I don't understand a nation that says to a person who has five stiff drinks and drives down the road and kills two people and breaks his two arms, his arms will be set tonight at the taxpayers' expense even if he doesn't have insurance and he doesn't have money. There are people throughout America begging for drug treatment now who are on waiting lists who are committing crimes because they can't get cash to sustain their habit and they can't get treatment. Common sense tells me that you get them treatment and you get it in ways that can help. And it's going to save the crime, it's going to save the victim, and it's going to save money down the line.

I watched a drug treatment program work in Dade County through our drug courts that focused on non-violent first offenders charged with possession of a small amount of cocaine. I don't think there's a shift. I think it is a continued and enhanced effort at drug enforcement, and I think finally we're beginning to focus on treatment and prevention as we should. It's common sense.

STAFF: Thank you very much. Our time is up. Thank you.

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