

ATTORNEY GENERAL'S PRESS AVAILABILITY
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Q: Has the Justice Department advice been sought in the White House's decision to evoke Executive Privilege in regard to subpoenaed Whitewater material?

A: Since it involves Whitewater, since I tried from the beginning to make sure the independent counsel is purely independent, and that we do not involve ourselves in the matters that he is pursuing, we are suggested that what be done is that the White House retain a specially appointed counsel so that the DOJ can ensure the independence of the Whitewater investigation.

Q: Is that a specially appointed independent counsel in addition to Mark Fabiani who works in the counsel's office now?

A: My understanding is that we recommend the appointment of a separate person. We will clarify that for you if that is not the case.

Q: This is a government lawyer, not a private lawyer, this is a government lawyer for the White House?

A: What we want to make sure is that the DOJ does not interfere with the independence of the independent counsel of the Whitewater investigation. Let me make sure that Carl Stern provides you with the proper follow-up.

Q: How was the DOJ advising the White House on this question, which involves Congress and the White House, interfere with the Independent Counsel investigation?

A: If the matter came up, if there were other issues that related to the Independent Counsel and as you know any matter that has related to Whitewater, we try to ensure again the independence of the effort.

Q: Basically, the special counsel would take the place of the OLC in advising the legality or constitutionality?

A: As I understand it, for example, when we have a government official subpoenaed to testify we made arrangements for them to have appropriate counsel independent from the Department. This would again for any governmental interest involved in this issue there would be counsel to represent the Government's interest.

Q: When the final report was released on the passport investigation, the independent counsel, Joe DiGenova, had some philosophical points about independent counsels and whether it is a little over done and he suggested there are times when the Justice Department, not just in this Administration but in previous Administrations, has step back and said we don't want the appearance of impropriety when in fact he thinks that is too much and one does rely on the Justice Department to be trustworthy and make right decisions and he thinks that sometimes in the past the Attorney General has stepped away from things when they should have just been trusted to do the right thing. What about that here is a case where you don't want to avoid the appearance of impropriety. Could it be argued that you would make decisions and say that is why I am here, trust me-- that's my job?

A: I think that is one of the fine lines that we have to follow. As a prosecutor in Miami, I always carefully reviewed it because there were situations where you had to bite the bullet but there were other situations that created the appearance of an adherent conflict and it is important that we give people the confidence in the process. I think it is something we have to constantly reevaluate I was interested in Mr. DiGenova comments and I think it is important for any prosecutor, any person acting as a lawyer, to carefully review to determine am I ducking or am I really giving people confidence in the system.

Q: The questions of executive privilege may come out in this dispute which means it is a question of two branches of government. The OLC and no other part of Justice will offer even if the White House solicits advice in this particular case, the Justice Department will not offer advice?

A: What we will do is give opinions based on the prior situations and make sure that everybody is advised of our determinations by the DOJ. We will work with all concerned to ensure appropriate independence while at the same time make the DOJ prior positions know.

Q: Have you recommended to White House already?

A: I don't know whether the recommendation has been made for this person or not.

Q: That is what you are prepared to do?

A: What I will ask Carl to do is to clarify for you to the extent the information is available. Whatever we can so I don't misstate the issue.