



UNITED STATES DEPARTMENT OF JUSTICE

Press Conference

THE HON. JANE RENO, UNITED STATES ATTORNEY GENERAL

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9:30 a.m.

P R O C E E D I N G S

(9:30 a.m.)

ATTORNEY GENERAL RENO: Good morning.

VOICES: Good morning.

QUESTION: Tomorrow we celebrate Law Day. I think we have the finest judicial system in the world. In many ways, it is a marvel that it helps keep our society safe, civil and free. But too often our courts have become the place of first resort for settling disputes. Too often people do not take the time to negotiate, to try to work out the problem to the best interest of all concerned.

The result is a system that is saddled with hundreds of thousands of lawsuits, many of which simply do not belong there and which could have been avoided if we had used other means of resolving the dispute.

Abraham Lincoln said: Discourage litigation. The nominal winner is often a real loser, in fees, expenses and waste of time.

I think those words of Lincoln hold true today.

That is why we have worked so hard to promote what I called appropriate dispute resolution, or ADR, in the Justice Department. On Law Day, I have a message for America's lawyers. I urge you to think creatively, to think of how you can solve your client's problems without litigation. Call on your negotiation skills. See if a problem can be resolved before you go to the courthouse.

We all have a responsibility to make the legal system work as effectively as possible for our clients. ADR can work for you and your clients in so many ways. Some lawyers will tell me, Well, I would just rather go to trial. I think in order to make negotiation work, we cannot be afraid to go to trial. But I think blending our skills can make such a difference to our clients.

And in fact we need to do more in dispute resolution everywhere, not just in the courtrooms, but in the classrooms, on the streets. Police officers are learning today how to resolve conflicts without force. I have been to so many schools where young people are putting peer mediation skills to work. They are learning how to resolve conflicts with words instead of knives and guns and fists. And they are creating a safer future.

I have met with citizens and community leaders across the country as they struggle with racial and ethnic tensions. They often work with conflict resolution experts, provided by the Justice Department's Community Relation Services. And now we are working to help neighborhoods link community policing to community mediation, to make law enforcement full partners in problem-solving and peacemaking in the community.

Here at the Justice Department, I have instructed every attorney to consider using ADR as part of their regular practice. And in the last 3 years, we have quadrupled the number of cases where ADR has been used. But we have to do more. And that is why I urge Congress to pass legislation, pending in the Senate, that would require every Federal district court to establish an ADR program. Every litigant deserves an alternative to expensive, burdensome and all too often unsatisfying litigation.

And citizens who want to learn more about ADR should contact their local library, the Internet, or a Bar association. And do not stop until you can get the full information.

There will always be a need for our courts, to protect our citizens, to resolve disputes. But litigation must be a last resort, not a mind set. If we turn first to our creativity, our common sense, and then to the law books, we can often resolve disputes on the spot, without the expensive litigation.

As the American legal system enters a new century, we would do well to start with Lincoln's words. In the right situations, ADR can help turn disputes into opportunities. We can help save money, solve problems and resolve conflict. And that means more justice for all Americans.

QUESTION: Ms. Reno, can you just tell us something about dispute resolution that maybe most people do not understand. When you go to court, you get a court order. The trial judge either resolves it for one side or the other with an order of the court. And that is the end of it. How does it get ended with dispute resolutions? Both sides, in essence, sign a contract and that is what makes it stop?

ATTORNEY GENERAL RENO: It can get resolved in a number of ways. First of all, the parties can learn how to negotiate better. They can prepare themselves better, understand the factual situation, understand the position that each is coming from. And sit down and say, Well, here is the way we can best solve this problem. If we go to court, we may get a jury verdict that will not be satisfactory to either of us. But if I work it out with you, so that I get this part of the company and you get this part of the company, this is something that we fashioned with the knowledge of our best interest at stake.

They could enter into a contract. They can dissolve the company. They could do any number of things to enforce it or just terminate their relationship. If you use mediation, the mediator may say, Let's sit down and see what you all work out. The mediator tries to encourage them to resolve their own problems, by giving them gentle opportunities. The arbitrator is going to, in many instances, resolve it with an arbitration award.

The beauty of dispute resolution, and the reason I call it appropriate dispute resolution, is that there are many ways it can be done. But, basically, it is people sitting down and trying to put themselves in the other person's shoes, so that they can understand and engage in an open and objective discussion at which the interests of each is best resolved.

I'll tell you a small story that I think best sums it up. Suppose you and I, there was one orange in the center of the table and you and I were fighting over the orange. You said you wanted the orange. I said I wanted the orange. So I finally said, Pete, you take the orange; I am fed up arguing with you about it.

Then we discover that you wanted the orange for juice and I wanted the rinds to bake a cake and for icing of the cake. And if we had sat down and talked about it, we could have gotten it resolved.

QUESTION: You are going to California tomorrow, and I believe the Indian tribes are going to ask you to mediate the dispute between them and the Governor over gaming

contracts. Are you willing to do that -- talking about the ADR?

ATTORNEY GENERAL RENO: We have just gotten the letter, and we are reviewing that now.

QUESTION: Ms. Reno, I hear what you are saying on the subject of ADR, but it sounds, from what you were saying just a minute ago, you are looking not so much for a change in legal action, you are looking for a change in human nature.

ATTORNEY GENERAL RENO: No. I am looking -- when I went to law school, I had a fellow by the name of Roger Fischer for civil procedure. And civil procedure was all about how the courts -- the procedures used to litigate in courts. He never really mentioned negotiation. But in the subsequent years that have followed, he has become an expert in teaching people how to negotiate, how to sit down and talk out a problem.

Others have enhanced their skills as mediators and arbitrators. And it is reaching in and saying, Look, we all have an ability, if we can only bring it out, if we can teach people these skills, just as we teach them to try cases, just as we teach them to write briefs, we can teach them to negotiate. So I do not think it is changing human nature. I think it is recognizing that we all have these skills, in a greater or lesser degree, and we can hone them and enhance them by working at it and by continuing legal education programs.

And as I indicated, it is fascinating to go to a Washington, D.C. public schools, to talk to kids who have learned peer mediation. And what they learn to do is to talk to each other, to listen to each other, to repeat, so that they understand what each other is saying. I do not think it is changing human nature. I think it is just reminding us of some of the really important skills that we have.

QUESTION: Ms. Reno, on campaign finance, one of our old favorites, you are being lambasted from some quarters for the fact that Chuck Labella and Jim DeSarno are leaving so soon after you brought them in to set that investigation on course. Some are suggesting that this was all a sham all along. What are you going to do to show whether it is or not a sham?

ATTORNEY GENERAL RENO: What I have said is we want to make sure that we do this as vigorously as possible, as thoroughly as possible. There are many fine people in the Department of Justice, and I want to make sure that there is a smooth operation, that as Mr. DeSarno leaves, as Mr. Labella leaves, that we have people of equal stature, that there is a smooth transition.

But anybody who has been a prosecutor for any length of time knows that you sometimes have to change, that time moves on, and that the important thing is not this one person, but how we affect a staffing change that is in the best interest of the case, the best

interest of the investigation. And that is what we will do here.

QUESTION: Now, Senator Hatch, a week or two ago, was quite, quite critical of the idea that the investigation was pursuing Haley Barbour, the leader of his party. And I understand that there were witnesses before the grand jury yesterday who were called to be questioned on that very matter. Are you afraid that Senator Hatch is going to be more angry now that apparently you have shown that you are still pursuing Haley Barbour?

ATTORNEY GENERAL RENO: I will not comment on any matter of a pending investigation. But I will say that I have the highest respect for Senator Hatch. I never like to see him angry. I never like to see anybody angry.

I will tell him, as I have told everybody, I am going to try to do my job based on the evidence and the law, and try to be accountable to people. And I will try to be accountable, through oversight proceedings, as I have. And I trust that nobody will get angry, that we will all try to do our best, and fulfill our responsibilities to the American people.

QUESTION: If I can try one more thing on this question area.

ATTORNEY GENERAL RENO: You can try as many things as you would like.

(Laughter.)

QUESTION: Try forever.

In the House, Congressman Burton has been trying to get a vote of immunity for four fairly minor witnesses. The Democrats have opposed that. But Burton says that you have no objection to their being immunized. Is that accurate? And can you explain why you have no objection when people in your party seem to?

ATTORNEY GENERAL RENO: We are conducting an investigation and we are trying to work with the various committees involved to conduct the investigation in a full and vigorous manner, while at the same time acknowledging the oversight role of Congress. I really cannot get into a discussion of why we do certain things, because that goes to a comment on the investigation.

QUESTION: Ms. Reno, would you tell us the current status of the investigation of the complaints filed with the Department about Independent Counsel Starr?

ATTORNEY GENERAL RENO: I think they are about the same as when we talked last week. We are acknowledging the fact --

QUESTION: We are still deferring to Judge Johnson?

ATTORNEY GENERAL RENO: We are acknowledging -- Judge Johnson, as you know, is considering the matter, and we have been in conversation with Judge Starr on the issue of what to do about the Hale investigations. And I want to try to do it consistent with the independence of the Independent Counsel. I want to defer to the court as appropriate. And I want to make sure that we pursue all avenues, consistent with those obligations.

QUESTION: The reason I ask that at this point was, with this Judge, you cannot tell when she does something. I mean it is all sealed. And you find out about it sometimes weeks later. So I thought perhaps, in this intervening week, she had made a decision we had not heard about yet with regard to the complaints about Mr. Starr.

ATTORNEY GENERAL RENO: I would not comment. I think it is appropriate for any comment vis-a-vis a court order to be made by the court. But we will try to do, as I have said on a number of occasions, I want to try to be as open as I can, consistent with the conduct of an appropriate investigation.

QUESTION: Ms. Reno, does it concern you that so much of this has become political -- considering, you know, this past weekend, Speaker Gingrich's comments regarding the White House and whether, you know, if you don't like Ken Starr, then fire him, that kind of thing, the White House's response, in so many ways, attacking Ken Starr -- does it concern you how much politicized this process has become?

ATTORNEY GENERAL RENO: What I am trying to do, what I have been trying to do from the beginning, is conduct it based on the evidence and the law, to implement the Independent Counsel statute as appropriate, consistent with the evidence and the law. And I am going to continue to do that, no matter what anybody says.

QUESTION: Ms. Reno, you mentioned discussions with Judge Starr about the Hale allegations. The last we heard, Judge Starr had requested a meeting with you to discuss alternate mechanisms to investigate the allegations. Has that meeting occurred? And are you now familiar with those alternative mechanisms?

ATTORNEY GENERAL RENO: As I said, we are in discussion.

QUESTION: But have you met face to face with Judge Starr?

ATTORNEY GENERAL RENO: As I said, we are in discussion.

QUESTION: Ms. Reno, this week the prosecution in the Kaczynski case filed a lengthy sentencing memorandum, which went beyond the usual sentencing memorandum. It got into



a lot of what the trial would have shown-type evidence. What was the purpose for that detailed filing?

ATTORNEY GENERAL RENO: I think it would be better that any comment concerning the sentencing be made in court, and any discussion of reasons be made in court.

QUESTION: Ms. Reno, when Speaker Gingrich makes comments, as he did this week, about a White House coverup on the Democratic alleged fundraising scandal, does that make your job more difficult, or how does it impact your job?

ATTORNEY GENERAL RENO: What I have always tried to say is if anybody has any evidence or argument on the law, that they should come forward with that. I am trying to conduct this investigation based on the evidence and the law and not on comments that have no relation to that.

I do not know all the context of what the Speaker said or the context in which he said it. And, again, the best way for me to proceed is to say to anybody, If you have evidence, if you have legal arguments that we should be aware of, that you do not think that we have considered, let us know.

QUESTION: Ms. Reno, understanding the fact that evidence in cases, with investigations unfolding, need to be sealed, but with the Lewinsky case and some of the other allegations stemming out of Whitewater, there are a lot of fairly weighty constitutional issues that are developing. Is there a need to have some of those arguments, those legal arguments, put under the light of day so that the public can understand what is at stake?

ATTORNEY GENERAL RENO: As I have said, I want to do everything I can to be as open as possible. We constantly review it. There have been instances in which you all have chided me and made me rethink positions and try to be more open. On these issues, much of it is dependent on the Independent Counsel. And I do not want to do anything that would interfere, if possible, with his independence. And it is a matter that we just continue to work through.

QUESTION: Ms. Reno, earlier you said that there had been no change in the status of the OPR review of the complaints about Judge Starr's tactics. Where we were earlier is that that review had not even begun, in deference to Judge Johnson. Is that the case now -- the review has not begun?

ATTORNEY GENERAL RENO: That is correct.

QUESTION: Ms. Reno, do you think you will be able to resolve this situation with the California tribes before the deadline by the U.S. Attorneys?

ATTORNEY GENERAL RENO: Again, I am reviewing that. And I would ask Bert to give you any comment subsequently if we are able to make a comment.

QUESTION: Ms. Reno, have you approved the issuance of a larger reward for the information about Eric Rudolph?

ATTORNEY GENERAL RENO: I would not comment at this point.

QUESTION: Can I ask you, then, about the status of the negotiations between the Department and the communications industry regarding the encryption issue?

ATTORNEY GENERAL RENO: We have had some good discussions with the industry. What I think is important for everyone to understand, because I think there has been some confusion with respect to the Department of Justice's position, we very much favor encryption that will ensure privacy in communications, in storage of materials. I think that is vital, and I think it is important, just as I think it is important to have telephone conversations as private as possible.

Under current law, however, current constitutional and statutory law, law enforcement, when it has probable cause to believe that a telephone is being used to convey information concerning a crime and that we would obtain evidence of the commission of a crime, of certain specified crimes, and we have probable cause to believe, we can go into court and get a court order authorizing the intercept of that conversation under very limited and narrow conditions, with a report to be made subsequently.

All we are asking is that, as the new technology is developed to ensure the privacy of communications and to encrypt the communications, is that we have the same ability to do exactly the same thing that we are doing now with telephones, with the new technology.

We are not trying to reach out and acquire a greater authority. It is the existing authority that we seek.

What I think is important, and I have had the opportunity to visit with a number of leaders in the industry, is that we talk together. It is going to be imperative for the protection of our information infrastructure that the private sector and the law enforcement work together not just on this issue, but on issues for the future, involving intrusions into computer systems, whether they be hackers or terrorists or those that would use automation to steal through electronic means.

I am very, very committed to trying to do everything I can to forming that partnership with industry. I think, and certainly since, in newspaper comments and in some of the



comments that I receive when I have the chance to sit down with industry, that there is suspicion. And I think it is going to be incumbent in both parties to put that behind us and move forward. Because ultimately at stake is the information infrastructure that is so vital to this Nation's defense and so vital to this Nation's economy.

QUESTION: Ms. Reno, have you raised the issue of encryption? As I recall, in a recent congressional hearing on the subject of bioterrorism and issues sort of like that, you raised it as a means, as a tool to help in preventing that kind of thing. At that time, you were asked, in the public session, the non-classified session, about how extensive a problem you think that that is likely to be in the future. And you were somewhat hesitant to put a level on it.

Can you indicate as to how serious a problem you feel that is going to be, and where you feel the encryption issue fits in?

ATTORNEY GENERAL RENO: I have the same answer, in terms of providing the specific information. But obviously the fact that we are spending so much time on this issue indicates the concern that we all have. And with the knowledge of what technology can bring us, in terms of secure communication that cannot be decrypted, it is important that we all focus on this issue and that we be prepared for the next century and with what technology is going to bring us.

But I suggest to you that the issue goes far beyond the issue of encryption. It is just fascinating to see how technology has changed, just in the 5 years that I have been Attorney General, to see the new demands being made on law enforcement and the new responsibilities that law enforcement has. It is going to be important for the private sector and the telecommunications industry, for the academic world, for scientists and for lawyers to come together and develop expertise in this area that will permit us to use technology for our own use, to master technology rather than letting technology master us.

QUESTION: Ms. Reno, if I can follow up with just one more on that. I understand your reluctance to put a specific number on something that you were not willing to -- eager to disclose in an unclassified congressional hearing. But for the public, who presumably needs to understand how serious an issue is being dealt with, for their own purposes of support, in a general sense, how would you describe the threat of bioterrorism or chemical attack incidents?

ATTORNEY GENERAL RENO: Well, now you are going to bioterrorism and chemical attack as opposed to the issue of encryption. And I think all that you have to do is to see the situation that occurred in Japan, with the subway attack with the gas, to understand the implications. If you do not even consider a terrorist attack but just look at what natural reengineering of various toxins can do, it is incumbent upon us all to understand and to develop the best understanding, in terms of what is happening in terms of the development of toxins, what can be done to deal with them in terms of immediate response, and what can be

done to warn against them and to prevent the problem in the first place.

So I think it is something that we have got to be prepared for. And we are taking every step possible in the Department to do that.

QUESTION: Ms. Reno -- (off microphone) -- to the Republican representative and about 30 other Republicans are having what they call a war on drugs deployment ceremony today on Capitol Hill. And the Republicans have prepared 14 bills to combat specific drug threats, especially among the rising use of drugs among youth and the legalizing of marijuana adding to the perception that drugs are acceptable.

What about the Republican initiative would be of interest or acceptable or would you condone and join?

ATTORNEY GENERAL RENO: I have not seen their proposed legislation, so I really cannot comment. But I think it is important for us all to continue to work together to ensure that traffickers are prosecuted, that they get the sentence that they deserve, that they serve that sentence. I think it is important that we identify first-offenders charged with possession of a small amount of drugs, who may be on the verge of becoming more seriously involved, and develop and expand programs such as the drug court, which have really provided good results, in terms of early intervention.

And I think it is important that we work together to provide education and prevention programs in our schools and frameworks in our communities that give our children a chance to grow in a strong and positive way, free of drugs.

QUESTION: I take it you will be looking with interest, then, at these Republican initiatives in a cooperative --

ATTORNEY GENERAL RENO: What I always try to do is sit down and say, Let's see how we can work together, let's see what ideas you have, let's share them. But I think what is so important and what I hope is happening but sometimes I get a little discouraged, crime and drugs should not be partisan issues, just as war is not a partisan issue once we get into it.

And it is important, when we look at crime and what can be done about it, or youth violence and what can be done about it, or drug usage, that we work together in a thoughtful, bipartisan way to structure the best effort possible, based on sound research, what works and what does not work. And that is the way I am going to approach it.

QUESTION: Ms. Reno, the International Association of Chiefs of Police is putting together a database on the use of force by police departments. And this is under a Justice Department grant. Is this, do you think, part of a healthy growth of self-scrutiny by law

enforcement? And I guess sort of part two is, you know, what exactly do you think we are trying to get at? Are we trying to find out how much force is used or where the line for excessive force is? What are we trying to look at?

ATTORNEY GENERAL RENO: I have been so impressed by the International Association of Chiefs of Police and the National Sheriffs Association, in their efforts to develop the best professional policing possible in America. I think this is one step in that direction.

I think the use of force is one of the most difficult issues. Sometimes a police officer has to make a split-second decision, under the worst of conditions. None of us would want to make that. In other situations, it is more clearcut.

But I think we need to do everything we can to give our police officers, who are on the front line, who are on the streets, the tools they need to properly respond to protect citizens, to protect themselves, to protect the community. And this effort by the IACP, I think, is a good step forward.

QUESTION: Ms. Reno, I realize that you cannot say that much about it, but in the context of Law Day, the Whitewater investigation now is in its fifth year. It has more layers than an onion. We have spent tens of --

ATTORNEY GENERAL RENO: Onions and oranges.

(Laughter.)

QUESTION: Yes. We have spent tens of millions of dollars. Basically, everybody is getting exhausted with it. And there are miles and miles of column inches written on Whitewater. But as far as I know, it has never been -- the Whitewater investigation or the whole concept of the Independent Counsel as we have it now -- this open-ended, unlimited investigation -- has never been subjected to a due process analysis.

Is this something that the Justice Department is looking at as you prepare your recommendations for Congress next year when it considers the reenactment of the Independent Counsel law?

ATTORNEY GENERAL RENO: What I have done during this time is to try to implement the Independent Counsel statute based on the evidence and the law. When it comes time for Congress to consider revisions or reauthorization, I think it will be appropriate then. I think the Justice Department and I will probably have had more experience with the implementation of it than anybody else. And we will be able to give the benefit of our experience in the most objective way possible.

QUESTION: Well, as a preview, do you have any due process thoughts on the Independent Counsel?

ATTORNEY GENERAL RENO: I do not propose to preview it until the time comes to consider the reauthorization.

QUESTION: Are you still considering the possibility of an Independent Counsel for campaign finance?

ATTORNEY GENERAL RENO: I have always said from the get-go that if at any time in the course of the investigation evidence was developed that was specific and credible that triggered the statute, I would trigger it.

QUESTION: But are you still reviewing the evidence carefully, like weekly, when you meet with these people, with that in mind?

ATTORNEY GENERAL RENO: I ask them regularly to review it. I ask, Is there any evidence that would trigger it? I constantly try to make sure that we honor our commitment to the law, to the Independent Counsel statute.

QUESTION: Do you maintain the full confidence of Mr. Starr and his investigation?

ATTORNEY GENERAL RENO: What I have said from the beginning with respect to Mr. Starr is that I should not comment, either one way or the other; that my duty is to exercise whatever responsibility I have, but otherwise to make sure that his investigation is as independent as possible, and therefore I should not comment.

QUESTION: Ms. Reno, can you update us on the Eric Rudolph case? We understand the FBI is going to add him to the 10 Most Wanted List next week.

ATTORNEY GENERAL RENO: I would not comment at this time.

VOICE: Thank you.

ATTORNEY GENERAL RENO: Thank you.

VOICES: Thank you.

(Whereupon, the press conference concluded.)