



UNITED STATES DEPARTMENT OF JUSTICE

Press Conference

THE HONORABLE JANET RENO, ATTORNEY GENERAL

Thursday, February 25, 1999

9:30 a.m.

P R O C E E D I N G S

(9:30 a.m.)

QUESTION: Ms. Reno, why does Kenneth Starr, alone amongst men, get to have a say in who investigates him?

ATTORNEY GENERAL RENO: I do not have any comment.

QUESTION: Don't you think there's a point, though, when you're going to have to comment on this, when it's -- I mean, Senator Hatch has said that Mr. Holder told him that you're trying to reach an accommodation with Mr. Starr. The court has publicly released a public order, saying that you have to file papers on this dispute. At what point do you stop pretending you can't talk about it?

ATTORNEY GENERAL RENO: I do not pretend.

(Laughter.)

ATTORNEY GENERAL RENO: And, secondly, I let the court know when we file appropriate pleadings. And I let you know when it's appropriate to comment.

QUESTION: Ms. Reno, I would ask the same question.

ATTORNEY GENERAL RENO: Well, my answer would be the same to you, too.

QUESTION: But the court has put this in the public arena.

ATTORNEY GENERAL RENO: And when the court puts something in the public arena and asks for a response, we're going to provide the response in the court.

QUESTION: Not under seal though?

ATTORNEY GENERAL RENO: I do not what provision the court would make, but we would expect to file a pleading and not ask that it be under seal.

QUESTION: Ms. Reno, does that mean you're ruling out any kind of appeal or any kind of other action, other than going to the court?

ATTORNEY GENERAL RENO: I would not comment except to say what we say to the court will be included in those materials.

QUESTION: Ms. Reno, can you give us a little insight about why this is difficult. Obviously, this has never happened before.

ATTORNEY GENERAL RENO: Well, I do not know what "this" is.

QUESTION: Well, the Justice Department investigating an independent counsel.

ATTORNEY GENERAL RENO: Well, I do not make any comment on that, as to whether or not that's happening.

QUESTION: Well, I think that's -- let's assume -- I think it's a fair assumption that it is. The court has indicated so.

ATTORNEY GENERAL RENO: Well, I do not think you should

assume anything.

QUESTION: So, there may not be an investigation?

ATTORNEY GENERAL RENO: I do not think you should assume anything.

QUESTION: Okay. May we ask, have you met with Ken Starr to discuss anything recently?

ATTORNEY GENERAL RENO: I would not comment.

QUESTION: And can you tell us why you can't comment?

ATTORNEY GENERAL RENO: Because if I start commenting, I go down a slippery slope. And you say, Well, you said this, so why can't you say this? And then, You say this, and why can't you say this? The appropriate way to do this is with respect to the court action, file the papers in the court in an orderly way, and make our position known.

With respect to any other matter, it is to, as the matter is concluded, make appropriate statements as to why and why not.

QUESTION: If the Justice Department were investigating a career prosecutor, would you comment on that? Is that the paradigm that the Justice Department would follow if it ever were to investigate an independent counsel?

ATTORNEY GENERAL RENO: An independent counsel is in a different position than with respect to a career lawyer in a matter that I am supervising -- whose conduct is at issue in a matter that I am supervising.

QUESTION: Well, I guess that my assumption was that if the Department ever -- if you ever were to investigate an independent counsel -- we understand you cannot say whether you are -- but if you ever were, that would be the reason that you wouldn't discuss it publicly. Am I wrong about that? Is there some other reason you wouldn't discuss it publicly?

ATTORNEY GENERAL RENO: I won't comment with respect to any of the matters until it is appropriate to do so. And that is when the matter is concluded or whether there is a point, such as with the court pleading, that we make an appropriate statement to the court.

QUESTION: Perhaps I could ask another question? I'm just trying to get -- I understand you won't comment; I'm just trying to figure out why that is. I assume it's not just an arbitrary thing. Is it because --

ATTORNEY GENERAL RENO: It is not arbitrary. As I have said on many occasions, I try not to comment on pending matters. There are times when the circumstances, such as a filing with the court or other steps, require a comment to be made. There is much confusion with respect to this issue, in the questions that you all ask and questions I receive from other people. But to comment on it without being able to comment fully only further confuses the matter. And it is more appropriate that we comment at the appropriate time, when we can comprehensively discuss the issue.

QUESTION: Mr. Starr's office has accused your office of a damaging leak on this whole matter. Is that a concern of yours, whether or not information -- while you're publicly saying you can't say anything -- whether or not, behind the scenes, information is coming out of the Justice Department? Are you doing anything about that?

ATTORNEY GENERAL RENO: I do not know what Mr. Starr has said to you or otherwise. But whenever we have a situation in which there appears to have been an inappropriate comment made, we have tried to pursue it, and we are pursuing any such instance in this regard.

QUESTION: Has that happened here?

ATTORNEY GENERAL RENO: As I have indicated, we have asked the Inspector General to review any of these issues where there may have been inappropriate comment.

QUESTION: Might your response to the court be whether or not the court has jurisdiction over this matter at all?

ATTORNEY GENERAL RENO: Well, the appropriate time to make the response to the court is not here, but in a comprehensive pleading filed with the court.

QUESTION: Ms. Reno, can you say whether the pleadings will be made public or will they be under seal? Would the Justice Department move to disclose them?

ATTORNEY GENERAL RENO: As I indicated -- I think you came in late -- I would intend to file it publicly. What steps the court would take, I do not know.

QUESTION: What can you tell us about your thinking regarding the future of the independent counsel in our system? The law will be going out of effect soon. And when that law goes out of effect, what would you like to see replace it or enhance it? And would Ken Starr stay, or somebody who might substitute or come in for Ken Starr, still be in business under the independent counsel statutes now? Will those still apply after the law has lapsed?

ATTORNEY GENERAL RENO: It would depend on all of the circumstances and whatever action Congress took. But with respect to the first part of your question, I am in the process of receiving recommendations from the various components as to their recommendations with respect to the Act and whether it should be amended, repealed or permitted to lapse.

QUESTION: You've made no decision yet?

ATTORNEY GENERAL RENO: No, I have not.

QUESTION: And you have no personal opinion?

ATTORNEY GENERAL RENO: As I've indicated throughout while I consider the independent counsel issues, I have tried to look at the statute as it is, without thinking of what it possibly should be. And having concluded all pending

issues, I have now asked Mr. Holder and his committee, and any other interested component that has a view to give me their perspective on what they think should be done with the Act.

QUESTION: In the past, actually, six years, you have --

ATTORNEY GENERAL RENO: Not quite six year.

QUESTION: Pretty close. You have refused to tell us what you think of the law, because you said there were independent counsels still in operation. Now you have to go up to the Senate mid-March and testify about your experiences with the law and make a recommendation based on those experiences. But several independent counsels will still be in operation.

How can you possibly testify honestly and completely about your experiences with the law without talking about your experiences with those independent counsels?

ATTORNEY GENERAL RENO: I think I can comment, and we have carefully looked at this and will raise the same caution with Congress, that in all that I've tried to do, I've tried to make sure that we did not interfere with the independence of an independent counsel. And nothing that I would say before the committees that I might testify before -- I do not want anything that would interfere.

So, I think we can frame the issues and provide the considerations without comment that would interfere.

QUESTION: Ms. Reno, the Urban League is holding a press conference this morning, addressing the issue of police brutality. What is the current status in the Justice Department as far as investigations of that issue go, in terms of pattern and practice investigations? And is there anything in addition you think the Justice Department can do about this problem?

ATTORNEY GENERAL RENO: I think this is a very serious problem. There are so many good police officers in this

country who have put their life on the lines for us, who try their best day in and day out, who have done so much to secure the safety and the well-being of the American people. But there are some bad police officers, like there are bad people in every walk of life.

When we see officers cross the line and tarnish the reputation and violate the laws, it's important that we take action when the jurisdiction of the Federal Government is invoked.

In the past five years, we have criminally prosecuted more than 300 officers, resulting in more than 200 convictions. And we now have approximately 100 investigations underway.

But the Federal law sets out a very tough standard. And I have seen the difference, coming from the State court system, where State law is not based on a civil rights provision but is based on negligent or culpable homicide theories. Under Federal law, the law provides a tough standard.

To prove a criminal violation, we must prove beyond a reasonable doubt that the officer had the specific intent to use more force than was reasonably necessary under the circumstances. Even with that tough standard, we have had an 89-percent success rate in this past year.

We still have to continue to review each case that comes to our attention carefully, to work with the local prosecutor, to make sure that we cooperate with them in every way possible, that everything is done to see that an appropriate result is obtained.

But, in addition, as you mentioned, we have pattern and practice authority, which gives us the authority to sit down with a police department and look at patterns of conduct that may be revealed by a review of cases, and take steps with regards to training, supervision, review of use of force, and other techniques to institute changes that would prevent that from happening in the future.

In addition, we have engaged in training initiatives that have proven to be very successful, in terms of working with police groups across the country to develop training programs that address these issues.

In addition, I think community policing has been very important, in terms of giving people confidence in the police officers that serve them, with the theory and the concept of community policing being the officer reaching out to the community to involve the community and to build trust and understanding.

There is so much that has been done, and we are going to continue to do it. Because, for an officer to use the authority of his or her office in a way that violates the civil rights of Americans is just wrong. It is an example of government authority being abused. And that, we should not tolerate.

QUESTION: Ms. Reno, are you going to be meeting with Al Sharpton and Jesse Jackson on these issues today?

ATTORNEY GENERAL RENO: I have received a letter -- the President has sent me a letter from Hugh Price. And my understanding is that he and Mr. Holder will be meeting, and that we look forward to meeting with the civil rights groups when I get back from Peru.

QUESTION: The statistics you gave -- were those in reference to civil rights cases involving police officers?

ATTORNEY GENERAL RENO: That's my understanding, but I will ask Myron to confirm that for you.

QUESTION: And just one quick follow-up. Can you give us a sense of the cities where you currently have pattern and practice investigations?

ATTORNEY GENERAL RENO: Let me ask Myron to give you a breakdown of that, so that we are clear, and that I do not confuse what we have going and what we have concluded.

QUESTION: In terms of the D'Allo shooting up in New York, are there any additional steps that the Justice Department will be taking regarding that?

ATTORNEY GENERAL RENO: What we are doing there is working with the local prosecutor, the United States Attorney from the Southern District of New York, the FBI, the Civil Rights Division, are working with the local prosecutor and local authorities to make sure that every step is taken that can possibly be taken. An example of such a working relationship is seen in another context, which is the Jasper prosecution.

I had the opportunity to talk with the Texas sheriff who handled that case. And I have a great respect for the district attorney. We had a good conversation. And that was an example where a local government wanted to take the case and to see that justice was done, where they had a responsibility in their community. The FBI worked closely with them, the United States Attorney, the Civil Rights Division, worked closely with them. It was a perfect example of governments working together to see that justice was done.

In some situations, because of law or resources, it's more appropriate that we pursue the case. But we're going to make sure that in all of these cases, as we look at each case, we take appropriate action to see that justice is done, based on the facts and the law.

QUESTION: You believe, apparently, justice was done in that case. Does that make you less interested in pursuing hate crime legislation federally, given the fact that local justice seems to work well in cases like that?

ATTORNEY GENERAL RENO: What I said was that we want to look at each case to make sure that because there is a crime of such a serious nature, that if State authorities won't take action, are not equipped to take action, or the laws do not permit a just result, that we be prepared to take action.

So, in some instances, hate crime statutes will still be

very important. And they are important because of the necessity for reflecting a Federal intolerance of such crimes.

And as I explained at the time the issue was before Congress, each case has to be looked at on its legs, if you will. If the local prosecutor can do it, if they have the resources, if they want to go forward with it, then it is important for the local community to speak out against the tragedy and the conduct that occurred in that community. Where they can't do it and there is a Federal interest, that Federal interest must be vindicated. And we are dedicated to vindicating it.

QUESTION: Along the lines of working with local prosecutors, the Sheinbein case, which, I guess, the decision was made in Israel to keep him in Israel. Can you comment on whether you'll be helping the local prosecutor in Montgomery County in further bringing him back here, because there's still another one or two appeals processes that can be done over there? And if he is not brought back here, will you be helping them prosecute over in Israel?

ATTORNEY GENERAL RENO: We are looking at whatever we can do, in terms of further steps to be taken in the review process. And, of course, we're disappointed with the response. But, at the same time, we are going to be dedicated to doing everything we can to work with the local prosecutor and with Israeli authorities, if the case is tried there, to see that justice is done.

QUESTION: Do you believe that any of the relations between the U.S. and Israel has been strained over this whole thing?

ATTORNEY GENERAL RENO: I do not think so. I think it's important that we look at each case, and that we come to the ultimate result, which is there should be no safe place for anyone to hide. We much prefer that the case be tried where the crime was committed. Again, a community should be able to speak out against such injustice and such conduct. But if it has to be tried in another country, we want to make sure that the processes are in place that will permit

it to happen so that we see justice done regardless.

QUESTION: Ms. Reno, Senator Hatch wrote an article, voicing his disapproval for some of the cuts made in the budget, in particular, juvenile justice, and then to the States and to the local governments. And I was wondering, do you have that perception, that there has been significant cuts made to State and local funding for juvenile justice?

ATTORNEY GENERAL RENO: To the contrary, I think what we've tried to do is to develop processes and procedures based on the grant experience that we've had that enables local governments to tailor their grant applications that meet their needs, and to do so in a straightforward way. We look forward to working with Senator Hatch to make sure that dollars come from the Federal Government in a way that best helps States and communities address their problems.

QUESTION: Ms. Reno, on the other side of the Capitol, Congressman Hyde, on the House Judiciary Committee, has indicated that one of his priorities for the coming session is going to be to take another look at Federal civil asset forfeiture laws. How important a tool is that to the Federal Government? And is it mostly useful in drug prosecutions?

ATTORNEY GENERAL RENO: Asset forfeiture can be very useful in any number of areas, but clearly it has been an extremely important tool in drug prosecutions, and not just, per se, in drug prosecutions. What we all need to do is to work together to recognize that, properly utilized, forfeiture can be a very effective tool.

We have seen situations where a drug organization may send in one small cell of people to do the distribution, one small cell to do the collection, on small cell to do the transportation. And if they are picked up and prosecuted and convicted, they send somebody else in. But when you take their assets, when you take the proceeds, if you will, that's where it can really hurt. And I think it's a tool that we must continue to shape so that it does not interfere with innocent people's lives, but that the tool

is used properly to really have an impact on illegal conduct.

QUESTION: Ms. Reno, the Department of Justice seems to be about the only -- well, outside of the White House, I mean along Federal lines still favoring Mexico or certifying Mexico, giving kudos to Mexico for their drug-fighting efforts. Have you reevaluated that or do you still stand behind what you said, that they've done a good job?

ATTORNEY GENERAL RENO: What the President has -- the President will make the certification determination. I, yesterday, wrote to Senators Grassley and Biden, who held a committee hearing, pointing out, and Mr. Constantine, the Administrator of the DEA, pointed out, that there has been a great deal of corruption associated with drug trafficking in Mexico. President Zedillo has been concerned about this and has taken steps to address it.

We have seen the enactment of legislation in Mexico that has been very useful. We have had exchanges of information with the Attorney General, with whom I have a close working relationship, that has resulted in the indictments of significant parties. We have improved the extradition relationship. We have developed new training mechanisms. The President, President Zedillo, has announced a significant new initiative for interdiction.

But any time you have corruption that is that ingrained, you're not going to change it overnight. It's going to take time. And as you look at experiences such as Italy had with its investigations over the years, what other nations have had, it takes longer than we would want.

I am always impatient, but I am also very aware of the grave difficulties they face as they try to overcome this effort.

QUESTION: Do you agree with the warning that Tom Constantine gave at that particular hearing, said that Mexican drug trafficking organizations posed the worst criminal threat to the United States that he has seen in

his nearly 40 years in law enforcement. Do you believe that it's that bad? I understand they're expanding ever more into the United States drug market.

ATTORNEY GENERAL RENO: President Zedillo has, for himself, called drug trafficking one of the most critical national security problems that Mexico faces. And it is certainly one of the significant problems that we face.

Mr. Constantine's focus is as the Administrator of the DEA. So, having broader jurisdiction than that, I see other crime problems that are quite serious. I do not rank them. I try to develop efforts to address each.

QUESTION: What happened on your trip to Mexico, in your talks there in Merida, with your counterparts from Mexico, the \$400 million drug enforcement effort that they will have; what hope did you gather from speaking to the Mexicans, anything new?

ATTORNEY GENERAL RENO: Both in our meeting in Merida and in previous meetings here in Washington, the Mexican authorities have explained to me and to Director Freeh what they intend to do with the Federal Prevention Police and how they are working to develop a more effective policing capacity. We would like to be able to work with them in any way that would be appropriate and that would be supportive and assist them.

They described President Zedillo's initiative with respect to the technology that would limit drug trafficking, coming in across the Southeastern Border. We had a good, frank range of discussion. I'm going to be meeting with Attorney General Madrozo while he is here this week. And I continue to be very encouraged by Attorney General Madrozo's efforts, and the President's efforts, to address this problem.

I cautioned them myself that it doesn't happen overnight, but it's going to require continued, long-term, tenacious efforts. And Attorney General Madrozo has certainly committed to that effort.

QUESTION: Ms. Reno, millions of Americans saw a woman on television publicly accuse the President of raping her some 20 years ago. The President, through his lawyer, has denied it. What do you make of the President's denial and the accusation?

ATTORNEY GENERAL RENO: I'm not familiar with any of the details, so I can't comment.

QUESTION: Ms. Reno, regarding your visit to Colombia next week, is extradition one of the principal topics of that visit? And is there a list that you are planning to take down there of people that the United States would like to extradite to here?

ATTORNEY GENERAL RENO: I go to Colombia to determine how we can best work with Colombian authorities in a spirit of mutual respect and cooperation. I have been impressed with the efforts of the government in these last several months. And I look forward to learning, to listening and to reaching some understandings with my colleagues in Colombia about what we can do to build a partnership that can truly have an impact on drug trafficking.

QUESTION: Just to follow up. But you are not planning, for example, to request the extradition of the Cali cartels' lords?

ATTORNEY GENERAL RENO: Our extradition requests will be made in the appropriate manner. I do not go with any preconceived notions of what we will agree on or what we will talk about, but I go really to learn, to listen. Colombia has so much that is so good. It is an opportunity for me to see that and to understand how we may be a better partner with the Government of Colombia and the people of Colombia in addressing a problem that affects both nations.

QUESTION: Ms. Reno, following up on the same topic, is your trip to Colombia just a coincidence, right after the announcement of the certification process? At this point, we still don't know what the end results are.

ATTORNEY GENERAL RENO: No, it's not a coincidence. It's not anything except a scheduling -- when I say no, it's not a coincidence, I do not know what it is except trying to reschedule and reschedule and reschedule. I think I was scheduled, first, to go in December. That did not work out for a variety of reasons. Then there was confusion with respect to the trip to Merida and whether I would go after that.

Then the ministers of justice meeting had long been scheduled for Lima. The ministers of justice from the hemisphere will be meeting in Lima March 1st through 3rd. And it seemed reasonable, rather than make another trip or take two trips, to do it in one, and to go to Lima and then to Bogota.

QUESTION: And the last one. The Rodriguez Orejuela brothers, according to the Colombian extradition law, they cannot be extradited at this point because they have not committed any crimes after the signing of the new law. If it is proven that they have managed their business from jail, will you be or the United States be, requesting their extradition?

ATTORNEY GENERAL RENO: We would not comment except through the request for extradition.

QUESTION: If I could go back to the question -- get this question out -- if I can go back to the question of the Special Division, the Independent Counsel and the Attorney General. Everyone around this table understands why you deeply feel there should be confidentiality on this issue. It's a question of fairness and a question of pragmatics to conduct the investigation.

However, I think you also understand the point of view of the media.

ATTORNEY GENERAL RENO: I know.

QUESTION: Every actor in this process is a state actor, operating with public money on issues of deep interest to

the American public. Would you at least review this issue in your own mind just to give us a fair shot at this, just between now and next Thursday?

ATTORNEY GENERAL RENO: Well, next Thursday, I'm going to be in Bogota.

(Laughter.)

ATTORNEY GENERAL RENO: Do you want to come down to Bogota?

(Laughter.)

QUESTION: Can you at least review this issue to see whether --

ATTORNEY GENERAL RENO: I review it constantly. And one of the issues that I constantly think about is how can I better address the issues that are of importance to the American people, and do it in as open a way as possible, that does not interfere with any ongoing matter.

Let me give you the extreme example. If I were investigating a major case that had tremendous implications -- wasn't an independent counsel case, but, say, had reference to a terrorist -- and I was hot on the trail of the perpetrator, and for the evidence to come out, it would have a very disastrous effect on the investigation.

Now, that matter is of grave interest to the American people. But everybody would agree that I shouldn't make a comment. As I told Pete, I review these things to see what I can comment on and if I can comment without causing further confusion.

My conclusion at this point is, to comment at all would be to cause further confusion, because I cannot comment comprehensively. I look forward to the day when I can, and to try to full my responsibilities to you, but, more importantly, to the American people, to be accountable. And I think those opportunities will come.

One of the first opportunities will be the statement that we file with the court in response to the court's request for our position.

QUESTION: Ms. Reno, going back to Mr. Constantine's remarks, written statements, one of things he was very concerned about was the notion of sharing information with some of the vetted units in Mexico because of potential corruption there. How does the United States navigate the issue of cooperation when some of the very people that you're cooperating with perhaps may be corrupt?

ATTORNEY GENERAL RENO: That is one of the issues that you face in terms of developing law enforcement information that we have faced in a number of circumstances. And you work with people. You look at what happens to the information you share. And one of the best things that can happen, and it has happened on a number of occasions in very sensitive matters with very sensitive cases in which we have been working with the Mexican Government, it works. And you know that this person can be relied on, and you build further trust and you build a team effort that is just extraordinary and very important.

Then there are other situations where that doesn't work out. Those are the efforts and the issues that we face. How do we build that partnership? How do we do it with appropriate regard to everyone's interests?

That's the challenge that we face. And it cannot be done overnight. I think Director Freeh would describe to you the way we built a partnership with the Government in Italy, in terms of addressing issues with respect to organized crime here and in Italy.

Law enforcement and the investigation of major organized criminal activities is one of the most difficult jobs there is. You have got to find the person that did it. You have got to develop a case, at least in this country, that is based on constitutional principles and adherence to due process. And then you have got to take it into court and prove them guilty beyond and to the exclusion of a

reasonable doubt. Then you've got to get a sentence that fits the crime. And then you have got to get enough jails to house them for the length of time the judge has sentenced them.

The process is a daunting one. But, under the best of circumstances, it's difficult. That's the reason I think it's so important that we recognize the strides that Mexico has taken, but recognize that it will not be done overnight.

QUESTION: Along this thread, this is a real quick question. A lot of people seem to feel that the situation is not improving, not staying the same, and getting worse in the drug fighting situation in Mexico. Answer, one word -- is it getting worse, better or staying the same?

ATTORNEY GENERAL RENO: I think in some respects it has gotten worse and in some respects it's gotten better. And I have not --

ATTORNEY GENERAL RENO: And I have not weighed it. One of the things that you don't know is this corruption is being brought to the fore and action is being taken against it when it is determined to exist. I can't tell you, because I do not know the circumstances, before I came into office, as to just who is doing what. But the fact that it is being exposed, that it is being made visible, that action is being taken, I think is again a further sign of what I think is important progress.

QUESTION: Very quickly, your personal opinion. Is Mr. Clinton being smeared? Is he being maligned by these Jane Does that are coming out of the Paula Jones case? Or could he possibly be in need of some modification in his behavior?

ATTORNEY GENERAL RENO: I'm not familiar with the circumstances, so I will not comment.

VOICES: Thank you.

ATTORNEY GENERAL RENO: Thank you.

You can always get your question in.

VOICE: Have a good trip.

ATTORNEY GENERAL RENO: Thank you.

(Whereupon, at 10:05 a.m., the press conference concluded.)