



WEEKLY MEDIA AVAILABILITY WITH ATTORNEY GENERAL JANET RENO

THE DEPARTMENT OF JUSTICE, WASHINGTON, D.C.

9:33 A.M. EDT THURSDAY, SEPTEMBER 14, 2000

ATTY GEN. RENO: Good morning.

Q Good morning. (Chorus of "Good morning.")

Q Ms. Reno, was Dr. Wen Ho Lee treated fairly both during the investigation and the prosecution which led to this week's events?

ATTY GEN. RENO: I think, on all the circumstances, we tried to look at it very carefully. We went over the evidence. We looked at the law. We made the best decision we could, based on the evidence and the law, and I feel very comfortable about that.

Q Ms. Reno, I'm going to pose a similar question, but actually in Judge Parker's words. Because he asked the question, I think his deserves to be answered. "What I believe remains unanswered is the question: What was the government's motive in insisting on your being jailed pre-trial, under extraordinarily onerous conditions of confinement, until today, when the executive branch agrees that you may be set free, essentially unrestricted? That makes no sense to me," close quote.

I wonder if you could respond to the judge's question.

ATTY GEN. RENO: We had tried from the beginning to make sure that if he had something to say, if he could explain what he had done with the tapes, if he could tell us if he had conveyed any information from the tapes or who might

have access to the computer, the unsecured computer, and would do that, subject to us being able to confirm his statements, that we would reconsider detention, and that we would consider charging decisions. We tried very hard. And in this instance, we now have what we sought then.

Q Ms. Reno, the judge apologized repeatedly in court to Mr. Lee. Do you think he deserves an apology from the Justice Department?

ATTY GEN. RENO: I think we have tried to do everything we could to address the issue, based on the evidence and the law and the concern for national security. The judge recognized that Mr. Lee -- that Dr. Lee had violated the criminal law, had taken -- I mean, in this instance, evidence was taken off a secured computer, downloaded, put into an unsecured computer, which people could have access to. And there was no explanation for what the man did with the information that was so sensitive and subject to so many concerns. And I think, in that situation, you have to look at the consequences of doing that.

Q But in the end, though, I mean, as the judge said, I mean, do you feel like he's entitled to an apology, after all is said and done?

ATTY GEN. RENO: I think Dr. Lee had the opportunity from the beginning to resolve this matter, and he chose not to, and I think he must look to himself.

Q (Off mike) -- and you say that an apology is kind of out of the question here, but what regrets, if any, do you have about this case? And secondly, would you support any disciplinary action against the FBI agent who provided false testimony in the case?

ATTY. GEN. RENO: I'm not aware, based on Judge Parker's comments, that there was any conclusion that testimony was false in the terms of the law. With respect to issues of whether apologies are out of the question or -- who, what should have been differently, I with all my heart and soul wish that Dr. Lee had come forward, said, "This is what I

did with the information, this is what I did with the tapes. I made copies, I didn't make copies, and here, I'll sit down with you and we'll work it out and I'll try to give you as much information as possible to permit you to confirm and corroborate it."

(Cross talk.)

Wait a minute. You all are getting too stereophonic.
(Laughter.)

Q Do we understand correctly that the plea bargain that was reached yesterday could, in fact, have been reached before Dr. Lee spent eight or nine months in confinement? That his attorneys were basically offering this deal last winter, and the government turned it down? Is that your understanding?

ATTY. GEN. RENO: No. My understanding is that the attorneys offered to make information available and then we were not able to carry through with it and did not have access to it. And in January, we were writing them again saying, "If you will answer these questions and give us an opportunity to corroborate it, we will reconsider the detention issues."

Again, you had significant information that related to this nation's national security. We went over the evidence carefully. The judge has his role as a trier, determiner of fact. We have our responsibilities, both to make sure that we feel like we have evidence sufficient under the law to charge and that then we do everything we can to protect the national security; i.e., to find out what happened to the information.

Q Ms. Reno, was --

Q (Inaudible) -- their offer, early on, to do this. What was wrong with their offer to sit down?

ATTY. GEN. RENO: I don't think there was ever the ultimate follow-through in terms of what we asked for in the

subsequent letter that we wrote. We gave very specific questions that needed to be answered and essentially laid out what we now have.

Q Ms. Reno, shifting gears for a second, can you give us a sense of whether the department is reviewing new allegations concerning the 1996 campaign?

ATTY. GEN. RENO: As you know, I don't comment on whether we've opened or haven't opened an investigation, but I can suggest that as we approach the election, I think there will be more issues like this raised, and we should be very careful. We're going to review everything that comes up, if there is anything, based on the evidence and the law.

Q My question was specific to Vice President Gore.

ATTY GEN. RENO: I'm not being specific as to anybody, except to --

Q Are you suggesting that -- (off mike).

ATTY GEN. RENO: Wait, wait, wait; let me finish. You all are -- (laughter) --

Q -- aggressive today.

ATTY GEN. RENO: No, you're getting stereophonic, and that -- then you're not going to be able to hear each other. I'm going to approach it, with respect to anybody concerned, based on the evidence and the law.

Q So is there some concern that, as we get to the election, that more allegations will come out and the Justice Department will be put in this position of having to make decisions that could sway the election one way or the other?

ATTY GEN. RENO: I don't do what-ifs.

Q Are you suggesting that -- what you said, as we get closer to the election, more of these things are going to

come out. Are you suggesting that this is politics, I mean, that these things are being tossed out there?

ATTY GEN. RENO: I just think we should be very careful and make sure we react; and I'm going to try to do that, based on the evidence and the law.

Q Ms. Reno, the --

ATTY GEN. RENO: Wait -- Stephanie hasn't had hers yet.

Q I just wanted to go back to Wen Ho Lee for a moment. Is there any internal review underway about the department's conduct or the FBI's conduct; specifically the early questioning of him when he was questioned without an attorney present and he, according to his lawyers, was threatened with electrocution if he didn't answer the questions? It seems to hark back to the days of Richard Jewell when the investigation -- the questioning wasn't handled properly.

ATTY GEN. RENO: I will review it and see if there is any basis for it.

Q Ms. Reno --

ATTY GEN. RENO: This gentleman.

Q Ms. Reno, the department is negotiating with the Los Angeles Police Department about certain reforms following the Rampart scandal. Do you believe that a consent decree is really necessary to achieve these reforms, or would you be willing to accept a less restrictive memorandum of understanding, perhaps, to solve it?

ATTY GEN. RENO: I think what we need to do is work together to come up with what needs to be done. A consent decree, rather than being onerous or burdensome, can oftentimes be very helpful. And we just need to work with everybody concerned to work out some solution that will address the long-range issues that have concerned everyone. And we look forward to trying to do that.

Q You've talked in the past, when there have been preliminary investigations -- I just want to make sure I understand you. Can you comment, are you at liberty to comment whether or not Robert Conrad has begun a preliminary investigation of this phone call made back in 1995?

ATTY GEN. RENO: I cannot comment. I will see if there is any appropriate comment that can be made one way or the other, but I don't think that we should get into commenting on anything, whether or not there is an investigation.

Q Has anything in this particular allegation yet triggered talk of a special counsel or somebody from outside the department to look into these allegations yet?

ATTY GEN. RENO: I don't know which allegations you're talking about.

Q The allegations involving Vice President Gore and fundraising in '95 --

ATTY GEN. RENO: Again, I don't comment.

Q Judge Parker in his comments yesterday said, and I quote, "I feel I was led astray last December by the Executive Branch of the government through the Department of Justice, through the FBI, and through the U.S. attorney for New Mexico." Then he went on to say that he was embarrassed for the whole country. Are you, Ms. Reno, going to be able to respond to the judge's feeling he was led astray?

ATTY GEN. RENO: I feel a great respect for Judge Parker and I regret that he feels that way. I want to make sure that everybody understands we didn't try to lead anybody astray. We tried to do it based on the evidence and the law and our desire to protect national security. Judge Parker, as the Judiciary Branch, has another role, and that is to make a determination based on all the information before him.

We need to look at all those issues, but we also have the

responsibility to protect the national security, and we're going to try to do that, again based on the evidence and the law. These are very difficult issues and we need to work through them with a respect for each branch of government.

Q And you're quite sure that Mr. Wen Ho Lee going free is not going to be a security risk, that he is going to come forth as he has promised?

ATTY GEN. RENO: I have decided that this is the best way I can find to try to get to the truth as to what happened to the tapes and the information.

Q Are there any indications that he's coming forth with that information?

ATTY GEN. RENO: I think we have already been able to obtain some information that was not previously available, and we're going to continue to try to pursue it, as we had tried early on to make sure that we understand exactly what happened.

Q On this question about the embarrassment, the judge said that the top decisionmakers in the Executive Branch, especially the Department of Justice -- and at one point, he actually mentions you by name -- have embarrassed our entire nation and each of us who is a citizen in it. Would you respond to that?

ATTY GEN. RENO: As I said, I regret deeply that Judge Parker feels that way. But I know what I've had to do based on the evidence and the law. I know what I've had to do to address the national security issues and to address information that is of real concern to this nation, and what we tried to do up front. I'm not embarrassed. I will say that the issues before us are not easy issues, and it is one that I take to be one of my great responsibilities, to try to do it the right way. To try to determine how to charge consistent with our constitutional principles, how to protect our national security, how to address constitutional issues of detention, are all very difficult.

And I just trust that all the branches of government understand the role that each has to play.

Q Will you concede any missteps by the government, either from the U.S. Attorney's Office out there, from the FBI, from the Justice Department?

ATTY GEN. RENO: I would like to look at everything, and if there are missteps, then review them and consider them.

Q (Off mike) -- to those who suggest that congressional pressure somehow influenced the department's decision to pursue the case?

ATTY GEN. RENO: I had been criticized by Congress on many occasions for not doing things. In this instance, people talked about congressional pressure, and I said this is one thing that is not going to sway me; I'm going to do it if I have evidence sufficient to charge, and I'm going to do it based on what I understand the law, as applied to these facts, will permit us to do. And if I can't charge, then I'm prepared to go back up to Congress and sit there and answer questions as to why I didn't charge. And I am equally prepared to go up to Congress and answer questions as to why I did.

Q Ms. Reno, as you look back at the case in terms of not evidence that he gave the information to anyone from the onset, and the fact that he initially still faced, in the 59-count indictment, charges that could have put him in jail for life, was there a disconnect between the level of what the government brought and what the government knew at the time that it decided to prosecute?

ATTY GEN. RENO: What the government knew was that he had intentionally downloaded very sensitive classified information concerning our nation's nuclear secrets. He had not done that just accidentally or in a flash of the three-minute period; he had done it over time, taking some 40 hours to do it. He had made it available on an unsecured computer, subject to hackers and the like. He had, based on the information we had, done this carefully, deliberately,

willfully. He had no need for it in his work. He had no obvious need for it in this unsecure setting.

There was no explanation for why somebody who knew the sensitivity of this information would remove it from a secure computer and make it accessible to intruders, hackers, or other governments who could hack into that computer.

We offered him the opportunity to provide an explanation, not just "yes" or "no," or "I destroyed it," but "did you do anything with the information that you downloaded? Did you give it to anybody? What has been done with it? How did -- if you destroyed the tapes, how did you destroy the tapes? And we want time to be able to corroborate your -- the information you provide us." He didn't do that.

The conclusion then was that he had willfully downloaded the computer, put the information out in an unsecure setting, retained it without explanation. And we felt that there was evidence sufficient to charge.

Now people may disagree with us, but this is what we tried to do. And here you have extensive information concerning the nation's nuclear secrets out there, available. What happened to it? That was what we needed to know.

Q Do you have any idea what in fact his motive may have been to do the downloading?

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

Q Ms. Reno, the Justice Department is appealing a federal judge's ruling in Puerto Rico that Puerto Ricans have the right to vote in presidential elections and should do so next November 7th. Could you tell us on what grounds is the Justice Department appealing this, and why do they believe they do not have the right to vote?

ATTY. GEN. RENO: While Puerto Ricans are U.S. citizens and can vote in any of the states, the Constitution does not provide for residents of territories -- Puerto Rico being a

territory -- to be able to vote in presidential elections. The only exception was made with the passage of the 23rd Amendment that provided the right to the residents of the District of Columbia.

Q If they go ahead -- the local government there has gone ahead and made preparations for the names of the presidential candidates to be placed on the ballots there at all levels. If they were to go ahead and do what they want to do, which is vote, how could the Justice Department counteract that? And do you hope the case is resolved before next November 7th?

ATTY. GEN. RENO: What we would do is look at it, talk with authorities, and take whatever steps would be appropriate to let them know what the results were, based on the court's decision.

Q Ms. Reno, I just want to take one more crack at this campaign finance business. There either is a preliminary investigation that's begun, or there isn't. And given the political climate right now, if there isn't one, why not just take it off the table right here and now?

ATTY. GEN. RENO: I would be happy to review anything that I might be able to do to tell you and ask Myron to let you know.

Q Ms. Reno? Stay provincial here for a second? You have coming before you a recommendation in a Denver newspaper merger case, a recommendation to approve that merger. How do you plan to proceed with that, and are you comfortable with not having hearings in that matter?

ATTY. GEN. RENO: I won't comment.

Q Ms. Reno, the deadline for an appeal of the Haley Barbour appellate court ruling has apparently passed. Can you give us an update on that, and where that investigation stands?

ATTY. GEN. RENO: I will ask Myron to tell you exactly what we can.

Q Ms. Reno, all this started with the supposed loss of the W- 88 information. I know you all began to reinvestigate that last year.

Have you all come to any conclusion, or can you give us any insight as to whether you think someone actually did give information about the W-88?

ATTY. GEN. RENO: First of all, this -- you say "all of this started." That is an entirely separate issue from the issue before Judge Parker yesterday. Let me clarify that. And that matter is still pending, so I cannot comment on it.

Q The task force, I understand, though, is still looking into the matter. Is that correct, and --

ATTY. GEN. RENO: I cannot comment on it.

Q Is it in the best interest of justice and the United States government in this case with Wen Ho Lee that he now should be protected? And, conversely, that he should be discouraged from flight?

ATTY GEN. RENO: I think it's in the best interest of everybody that we sit down, get the information that he has, follow up on it, corroborate it, and take appropriate action.

Q What do you think of all of the allegations that the government somehow had a racial bias in going after Dr. Lee?

ATTY GEN. RENO: I can be very clear to you that there was no racial bias in anything that we did with respect to Dr. Lee, in terms of my decision-making and in terms of what I was concerned about.

Q Ms. Reno, I'm curious. You said that one thing that you will need to know, that you want to know, is what happened to those tapes. How do you kind of prove a negative? I mean, he says he destroyed them.

ATTY GEN. RENO: I can't comment on the evidence that we have, and so it would not be appropriate for me to comment while we are preparing for the briefing.

Q On another matter, a U.S. attorney in Texas is holding a news conference today on this case involving -- in Juarez, Mexico, involving mass graves. Can you provide any kind of an update on where that investigation stands?

ATTY GEN. RENO: Why don't we let him comment?

Q Mm-hm.

ATTY GEN. RENO: Thank you.

Q Thank you.

Q (Off mike.)

ATTY GEN. RENO: Thank you.

Q Have a nice weekend.

ATTY GEN. RENO: I will! (Laughter.)

Q Are you going to get out in your kayak this weekend on the Potomac?

ATTY GEN. RENO: I hope so.

Q Okay. Good luck. (Chuckles.)

END.