WEEKLY MEDIA AVAILABILITY WITH

ATTORNEY GENERAL JANET RENO
THE DEPARTMENT OF JUSTICE
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(Laughter, off-mike comments.)

ATTY GEN. RENO: You want me to leave?

Q (Off mike.)

(Cross talk, laughter.)

ATTY GEN. RENO: Thank you.

As the present congressional session is about to conclude, there is still some very important work that needs to be done.

The Congress needs to pass new hate crimes legislation. Last month the House of Representatives voted 232 to 192 to instruct conferees of the then-pending DOD conference to include this hate crimes legislation.

In June the Senate voted 57 to 42 for this legislation. Thus for the first time Congress has shown that there is a bipartisan majority supporting a stronger hate crimes law.

Unfortunately, the provision was dropped from the bill.

Now the only realistic chance for the passage of this

important legislation is to include it in the remaining appropriations measures pending at the end of the session.

I urge Congress to do this and to pass this hate crimes provision, and there are several reasons I really strongly feel that this must be done.

First, with respect to race-based hate crimes, it eliminates from existing law the requirement that prosecutors prove the victim was engaged in one of six federally protected activities. Although local law enforcement will continue to handle the vast majority of hate crimes, federal prosecutors need expanded jurisdiction because local prosecutors do not always have adequate resources.

Secondly, the legislation would extend the law to cover hate crimes committed based on the victim's sexual orientation, gender, or disability. Hate crimes based on sexual orientation are among the three top reported hate crimes, after race and religion. Our law should not ignore that reality.

Some people argue that all crimes are hate crimes and that hate crimes legislation sends a message to crime victims that some lives are more important than others.

I disagree. Hate crimes are different from other crimes because they are not just crimes against individual victims; the victim is selected only because of the group to which they belong. Just as our laws punish crimes more severely when guns are involved, or when there is deliberate planning and premeditation, so should they do the same when there is biased motivation.

That is why Congress passed the original hate crimes bill in 1968, in the wake of the assassination of Dr.

Martin Luther King. It is why many states have passed hate crime laws. And it is why the Unites State Supreme Court unanimously concluded in 1993 that hate crime sentencing enhancement statutes are lawful, and indeed necessary, to

serve the cause of justice.

There is strong law enforcement need for a new federal hate crime law. A bipartisan majority in both houses is on record in support of one. The American people support this effort. Congress cannot outlaw hatred, but it should do all it can to combat hate-motivated violence before going out of session. This is the time, and I think justice requires it.

Q Ms. Reno, what is the purpose of hate crime legislation? And I ask that because two of the cases most often cited as illustrating the need for it are the Matthew Shepard killing and the James Byrd killing, both of which the states prosecuted by seeking the death penalty, where hate crime sentencing enhancement wouldn't have mattered.

So in what -- I guess in two ways -- in what preventative way does hate crimes legislation make a difference? And secondly, in terms of the criminal justice system, what difference does it make?

ATTY GEN. RENO: In some instances, local prosecutors and investigators do not have the resources to proceed, and it is a difficult process trying to make sure that there is funding another instances, there is an unwillingness to proceed.

And these are federal issues that I think are vitally important and need to be vindicated. And I think, as I indicated, that most of these cases will be handled by state and local authorities. I cite the James Byrd case as a classic example of federal-state cooperation. But if they had been unable to proceed, I think it's important that the federal government have the jurisdiction to vindicate what I think is a clear federal interest.

Q Ms. Reno, the Supreme Court has made it clear that for enhanced sentences, the prosecution is going to have to prove beyond a reasonable doubt each element of the offense.

With an actual hate -- a new hate crime on the books, would that make that job easier, because you're going to be proving a separate offense, rather than an enhancement of an existing offense?

ATTY GEN. RENO: Well, I'm not quite -- (Mr. Lee ?)? BILL LANN LEE (assistant attorney general for civil rights): It's not going to change the present burdens -- excuse me -- it won't change any of the present burdens, because at this point our prosecutors have to prove all the elements before a jury.

ATTY GEN. RENO: But what it will change is what we have to prove, because now we have to prove that it is a federally protected activity. If it is in a place or involving an activity that is specifically protected under federal law, that's one thing. But to have the same hate cause violence or death in a situation where there's not a federal interest, I think, undermines our ability to prevent hate and discrimination, and the results thereof, which I think you should be protected against regardless of what the activity is.

Q A sheriff's deputy from Albany County, Wyoming, where the Matthew Shepard case was -- the trial was held, has been lobbying Congress to try to include in the hate crimes legislation a provision that would compensate local districts that have expensive trials that are based on hate crimes. Is that provision still in the legislation?

Did the administration support that?

MR. LEE: Yes, we would.

Q Is it in there now?

MR. LEE: I believe it is.

ATTY GEN. RENO: We'll double-check for you. I don't know whether -- how it -- whether the language is in that that was passed in -- by both houses.

In these situations, it is important -- you have so many small jurisdictions across the country that there are a number of areas where there's both federal and state jurisdiction, where they literally come to us and say, "Would you take it," in situations that don't involve hate crimes. I don't think anybody should be able to escape justice for serious crimes because of the inability or the -- the inability to afford a proper investigation and prosecution, and I think that's where federal-state partnerships are so important.

Q Do you have any examples of prosecutions that were not able to go forward because the locals couldn't or wouldn't go forward, and the federal legislation was lacking?

MR. LEE: There was a case called United States versus Black in California in the 1990s.

There was an incident in Oildale in which a black man was accosted, beaten severely. That -- Oildale is a very small place, and the police department felt that it couldn't adequately investigate.

And in this case, they had an issue with respect to resources, and since the man survived the incident, they gave the case over to the FBI.

The FBI investigated.

This was such a small place -- the district attorney's office was also very small -- they felt that, for whatever reasons, they couldn't proceed. There were two gentlemen who were defendants. As soon as the federal indictment was filed, I believe, one gentleman pleaded guilty to five years. After a trial, I believe it was 10 years.

I could check that information. But that's a clear instance in which the states, for whatever reasons, couldn't proceed, and the federal government was able to proceed, and merely with this filing, with indictment -- we're talking about a rather lengthy sentence.

It's important to bear in mind the average district attorney's office in this country has seven individuals.

So --

Q But you're saying that the FBI and the local prosecutors, local federal prosecutors, were able to proceed, even without this legislation.

MR. LEE: That's right. That's right. And there was actually an appeal, because the big issue was federal -- whether there was involvement in a federally protected activity.

And the only reason we had jurisdiction was because there was a pinball at this -- at the convenience store that was attached to the gas station. We shouldn't have to be proving these cases based on whether there's a pinball machine.

The federally protected activity requirement was originally put in because of the antecedents of this statute.

This came about with the shooting of Dr. King and the wave of killings and harassment of civil rights workers who engaged in helping people register to vote, to go to public schools, things of that kind. Those are the public -- those are the protected -- federally protected activities.

At this time in our nation's history, I think very few people feel that we need to prove that an individual was engaged in a federally protected activity.

In the James Byrd case, there was an effort -- not only a huge effort by the FBI to investigate the underlying facts, but there was a cross-designation by the U.S. attorney of prosecutors to assist the state. This is a backup jurisdiction.

The attorney general is correct; the vast majority of these cases are prosecuted locally, where they should be.

But the federal government ought to be able to assist

jurisdictions in providing the investigative resources and personnel.

And in that instance when the federal authorities need to step in because the states cannot or will not, we should be able to be there.

Q What do you make of the fact that, with exceptions, and I guess the Byrd case would be one of them, that there's been very little discussion about crime in these presidential debates?

ATTY GEN. RENO: What I would hope is that crime and how we deal with it is becoming a bipartisan issue in this country in which people recognized that it's not a Republican or a Democratic issue; it's everybody's issue, and that if we address it from the point of view of solid information, good strategy, a disregard of turf interest, and ignoring the fact of who gets the credit, we can be far more effective in developing comprehensive programs.

I hope -- and I don't know whether it's true or not -- that it is an emphasis or a recognition that we have new tools to deal with crime.

We have new understandings of what works and what doesn't work. And that if we work together as Republicans and Democrats, using common sense, following up in a consistent, thorough, and comprehensive way, we can have a lasting impact on crime in America.

Q Ms. Reno, can you tell us why FBI Director Freeh decided to go to Yemen? What was the purpose of his visit?

How long will he be there?

ATTY GEN. RENO: Director Freeh has, I think, always made it a practice to try to be on the scene as soon as it is nondisruptive at the scene.

I think it's an example, again, of his hands-on approach to major issues and major tragedies such as this.

And I feel -- have always felt, once I've had Director Freeh's assessment of the scene, that we're both in a better position to determine what steps to take for the future.

Q Ms. Reno --

Q Can we have an update of where we are in the investigation? Have you talked to the director this morning since he's been there?

ATTY GEN. RENO: I've not talked to the director since he's been there, but I look forward to hearing from him when he returns.

Q Are you confident that the agents, the U.S. personnel that are in Aden, are safe and secure from some kind of follow-up terrorist attack?

ATTY GEN. RENO: This is one -- an issue paramount in Director Freeh's mind and in my mind since the beginning, and we want to make sure that we take all possible steps to ensure their security while at the same time leaving absolutely no stone unturned until the people responsible for this tragedy are brought to justice.

Q Ms. Reno, there seems to be some confusion as to why the director is in Yemen.

Is he there to oversee the investigation, or is he just getting an assessment?

ATTY GEN. RENO: I don't know how you all generated that confusion.

Director Freeh is there to assess the situation, as he has often times been in previous situations.

He wants to see for himself.

He wants to talk to the people at the scene.

We want to do everything we can to make sure that we're taking steps to bring these people to justice.

Q And was he on a previously scheduled trip to that area when he want to Yemen? I understand he's going to other capitals in the region.

ATTY GEN. RENO: No. I don't know what his schedule was before, but I do know that he is making this trip with this specific objective in mind.

Q Ms. Reno, are you confident at this point that U.S. investigators are getting the cooperation that they needed and you expected from the Yemenis?

ATTY GEN. RENO: I think that you should listen to Director Freeh's -- if you have not heard it, listen to him directly so that you hear it from him directly. He had the opportunity to meet with the police, and I think he expressed support for what they were doing. He indicated that we were working with them and supporting them in the work that they had been doing. But I want to make sure that we do everything we can to support the Yemeni police, that we have the people on the scene that are necessary to ensure thorough support of all investigative efforts.

Yesterday, I was in Norfolk, and I had an opportunity to meet with families who had lost loved ones and to meet with injured sailors.

The American people should be so proud of the United States Navy.

These are fine young people, and they were brave in what those that were injured wanted to do was to get back and support their shipmates.

We must do everything now to see that the people responsible for this crime are brought to justice.

Q Ms. Reno, the Yemeni police have been releasing results

of their investigation, talking about finding a van, finding a trailer, finding a so-called bomb factory, whether it's in the apartment is not clear.

Is the FBI working along with the Yemeni police in those pursuits, or are they functioning separately?

ATTY GEN. RENO: I think, as you would have heard if you'd heard Director Freeh this morning, that we're working to support the Yemeni police.

They have taken some important steps, and we want to work with them in every way possible.

Q Are U.S. law enforcement agents being allowed to interview potential suspects, witnesses, or are they leaving that to the Yemenis and then relying on the information second-hand? What exactly are they doing on the ground in terms of investigative work and talking to people?

ATTY GEN. RENO: I am, as you know, not going to talk about what we're doing. But I think we have a good working relationship that will permit us to pursue all appropriate investigative leads in support of the Yemeni police.

Q Ms. Reno --

(Cross talk.)

Q Thank you. It's been just a week since this attack, and yet there seem to be no limit of leads to follow.

Are you surprised at how far along this investigation seems to be so soon after the event?

ATTY GEN. RENO: No.

Q Ms. Reno, based on the cooperation in Yemen so far, do you have an opinion as to whether prosecution

can and should take place there, or do you anticipate

seeking an extradition if suspects are arrested?

ATTY GEN. RENO: I think all those comments, all those issues are premature. I think what we must do now is to pursue the investigation as thoroughly as possible.

Q But there is no extradition treaty. The U.S. has no extradition treaty with Yemen, does it?

ATTY GEN. RENO: I won't comment on the processes. I think it's -- the first thing we must do is find out who did it and be able to prove it.

Q Ms. Reno, from the evidence that you've seen so far, can you tell us how sophisticated or organized they were? Do you think they might be -- (inaudible)? Others have obviously indicated that they think this is a fairly high level, perhaps global operation versus some sort of renegade -- renegade bunch.

ATTY GEN. RENO: I think it's premature -- until we identify just who is responsible, I think it's premature to speculate on the nature of it.

Q Ms. Reno.

ATTY GEN. RENO: Yes.

Q Yes. (Laughter.) Ms. Reno, have you any comment at all on the beginning of the testimony of Wen Ho Lee this week to investigators? Have you -- can you say anything at all about it?

ATTY GEN. RENO: No, it would not -- the debriefing should proceed, and I should not be commenting on it.

Q While we're on the subject of Wen Ho Lee, as long as we have Mr. Lee -- Mr. Bill Lann Lee here, I understand there was an internal department review to see if Mr. Lee was singled out for investigation because of his race.

Can you tell us whether there has been any progress in that

review; whether you're close to making an announcement?

ATTY GEN. RENO: There have been determinations. What I am trying to do, as I have previously indicated, is to declassify and to obtain approval for the declassification of as much of the Bellows Report as possible so that everyone may be able to access all these issues.

Q Ms. Reno, from what you know right now about the Firestone tire recall, have you ruled out any possible criminal activity on that, from your criminal investigation there; or can you tell us where you are on that?

ATTY GEN. RENO: I think it premature to say anything like that.

The National Highway Traffic Administration has the primary authority and it's currently reviewing the case.

The department is ready to support the authority, if asked. We have met with them and we are working with them to support their investigation.

I would not comment one way or the other because, until we make a determination as to just what the NHTSA will do, I think it would be premature.

Q If I could go back to Yemen for just one second, and sort of in a different context; you talked about doing everything you can to bring people responsible to justice. The people that were responsible for the embassy bombings two years ago are still at large; Osama bin Laden is still at large.

How do you -- how difficult will it be for the United States to pursue this kind of thing if international terrorists are involved? In making these statements about doing everything you can -- we will bring these people to justice -- how is that possible? Osama bin Laden has eluded U.S. authorities for two years or more.

ATTY GEN. RENO: What I will do is see what would be

appropriate for us to comment on in terms of the pending prosecutions and the status of those in custody for the embassy bombings.

I think this is an example, again, that we are going to proceed, we're going to be successful -- sooner in some cases than in others -- but we're not going to stop.

And this country will not stop until people are brought to justice, both for the embassy crimes and for this one.

Q The enemies of the United States that perpetrate these atrocities have been finding some angle, some openings for their attacks.

They've done this on a number of occasions now -- cases that either -- that haven't been solved.

And I just wonder if the United States needs to look at its vulnerabilites again, especially overseas vulnerabilities, and eliminate more of the avenues of attack?

ATTY GEN. RENO: I think Secretary of State Albright has spoken out very forcefully about the need the ensure the security of the embassies around the world.

And I would refer you to the State Department to see the status of that effort.

I think everyone realizes that we must do everything we can, consistent with peoples' right to come and go as Americans.

And you cannot, as I have said on previous occasions, rule out every opportunity for terrorism and violence.

But we must take reasonable and thoughtful steps to do so.

At the same time, we have shown that we can solve crimes and identify people responsible, and charge them; and in some instances obtain custody of them and bring them to justice. And we've done that sometimes after a lapse of

time; it's sometimes taken longer than in other situations. But we don't stop until it's done.

Q Do you think we ought to go to Afghanistan, and the United States physically find and apprehend Bin Laden?

ATTY GEN. RENO: I would not comment.

Q Ms. Reno, in the initial deployment of U.S. investigators to Yemen, apparently there was a limit negotiated by the State Department on the number of American investigators that could be in Yemen at any given time.

As I understand it, some of the folks who were there had to leave and fall back to another country while some other people came in; and it was kind of a revolving door. And yesterday, in an interview on state television, the president of Yemen said he expected the Americans to be there no more than a week or 10 days.

Are you convinced that we have a sufficient number of investigators there who can stay a long enough time?

ATTY GEN. RENO: I will let Director Freeh comment upon his return. But my understanding is that the original limitation was based on the fact that there are limited accommodations in Aden, and it was just a matter of logistics, and trying to get in the key evidence recovery team and bomb squads as early as possible to ensure appropriate collection of the evidence.

I think working with the ambassador, working with the government of Yemen, we can address all of these issues, but we must do everything we can to secure our agents and make provision for their safety, while at the same time giving them the support they need to do the evidence recovery and other steps that need to be taken.

Q In that same interview yesterday, the Yemeni president said that he'd been told by the Americans that the explosive material was something that would be found only in the United States, Israel, or two Arab countries.

Is it fair to conclude, therefore, that the American investigators had at least a working theory on what the explosive material was? Whether you can say what it was or not, do they at least have a working theory of what it is?

ATTY GEN. RENO: I would not comment.

Q Along the same lines of Pete's first question about just responding to the incident, following the bombing -- the embassy bombings in Africa, there was concern about the length of time that it took for investigators to get on the scene, and there was a lot of discussion about whether military resources were being made available to law enforcement.

In this case, are you satisfied with the ability to respond quickly enough, or where you troubled by some of the delays in getting the bulk of the force there?

And do you attribute that in any way to problems of military transportation, which had been a problem in the past?

ATTY GEN. RENO: Any time you try to send people halfway around the world to investigate something like this, the logistics of what you need -- investigators, people with linguistic capabilities, people with real specialities, whether it be the bomb squad or evidence recovery teams -- trying to respond appropriately is a job for a top- flight organizer. And trying to match that with planes is, again, a complex job.

But I am impressed with what we are doing in terms of getting people there, getting them into facilities that are safe.

I continue to check with the Bureau, because I want to do everything I can to ensure their safety.

Q Madame Attorney General, could you please describe your meeting with the prime minister of Bangladesh?

She has two questions in mind; one, to deport the three killers of her father and the founding father of Bangladesh, who are in the U.S., she believes.

And number two, she's asking that all the illegal Bangladeshis should be made legal in this country.

ATTY GEN. RENO: I have not yet met with the prime minister, so it would be presumptuous of me to comment on it.

Q If you find those killers in this country, do you think you are in the authority of deporting them to Bangladesh so they can face trial?

ATTY GEN. RENO: I think the best thing would be for me to meet with the prime minister, which I will be doing shortly, and discussing it with her.

Q Ms. Reno, back to the pigpen -- Mr. Lee, back to the hate crimes legislation, sooner or later -- if this legislation is enacted, sooner or later it will have to pass the federalism hurdle in the courts.

What provision of the Constitution do you use to underpin a law, a criminal law that applies to protecting people who are not engaged in federally -- previously federally protected activities?

MR. LEE: The additional bases for protection -- sexual orientation, disability and gender -- those provisions all have commerce clause proof requirements. With respect to race, there's obviously a 13th Amendment basis as well.

The provision was drafted with federalism concerns in mind, and we feel that there are no issues of this kind.

Q Following up on your experiences, are the families angry? Or are they just mourning?

ATTY GEN. RENO: They had different perspectives.

But the common theme that ran through all the families, the injured sailors, was great pride in what that crew had done before and after the bombing.

My message to them was that in the gallantry of the sailors who were still on the ship; in the gallantry of those who had been injured and come home and wanted -- I mean, their expression was, "I want to get back and make a difference."; and in the grace and strength and courage of the families, they sent America a message of, "Look, we are examples of how you overcome tragedy and adversity." And they did it with great grace.

Some wonderful memories; so many of them had pictures of their loved ones, and you could see just by the smile on their face and the way a sister, a child, a grandmother, a mother, talked about them, that they must be really extraordinarily fine people.

Anybody that has any doubts about the American military should have seen those sailors who were injured and how brave and how gallant they were. And you should have heard them about their hopes and dreams.

And it was so tragic to think that there were others who would never have their dreams come true.

Thank you.

Q Thank you.

Thank you, Mr. Lee.

END.