



WEEKLY MEDIA AVAILABILITY WITH

ATTORNEY GENERAL JANET RENO

JUSTICE DEPARTMENT

WASHINGTON, D.C.

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9:32 A.M. EST

ATTY GEN. RENO: Good morning.

Q Good morning.

Q Ms. Reno, are we any closer to getting a public statement on the internal review of whether Wen Ho Lee was singled out for investigation because of his ethnic background?

ATTY GEN. RENO: As I have indicated, we want to make everything as available as possible so that people can be their own judge, and we are making some progress. I can't quantify it for you.

Q Ms. Reno, can you describe for us whether there are additional efforts being made; what's the state of play right now in trying to secure additional cooperation from the government of Yemen?

ATTY GEN. RENO: We're addressing that issue. I think to comment further would really be to comment on the investigation, and I don't think I should go further.

Q The Yemen government officials said openly and publicly yesterday that they believe they're very close to an agreement with the U.S. over allowing FBI agents to at least be present during questioning. Would you dispute their statements?

ATTY GEN. RENO: I just think it's important at this point that those people in the field be able to address the issues and work out understandings without comments from Washington.

Q Why would it make such a big difference for FBI agents to be able to observe the interviews rather than read transcripts?

ATTY. GEN. RENO: I think it's, again, to comment would be to comment on how you conduct an investigation, and I just really think that in something this sensitive, where we're trying to be partners, that it would be better for people to comment in the field.

Q How problematic, though, has it been for you all not to have access to these interviews? I mean, there's one side that says the investigation is progressing independently of what the Yemen authorities are allowing the U.S. to do. Can you characterize that at all?

ATTY. GEN. RENO: I don't think I really should characterize anything from a distance. I think it's a moving issue, as any investigation is.

Q Can you at least tell us what kind of updates you're getting? Daily? Twice a day? Once a week? And from whom, exactly?

ATTY. GEN. RENO: Usually once a day, but sometimes more than once a day.

Q Ms. Reno, a couple of weeks ago here you talked about the need to encourage Congress to fully fund the Department's litigation in the tobacco case. What is the status of that now? Are you optimistic you're going to get what you asked for?

Where does it stand now?

ATTY. GEN. RENO: Well, it stands in the same situation as

are all the funding issues. It looks like it's going to be set over; it will be set over until after the election. We want to continue to do everything we can to see that it's funded so that we can address the issues and attempt to pursue the remedies that are available to us.

Q Ms. Reno, by every objective analysis, next Tuesday's election is going to be one of the closest in U.S. history.

Is the department taking any special steps to combat voter fraud and intimidation in any particular part of the country?

ATTY. GEN. RENO: As we have in prior years, as I understand it, it's -- and I will ask Myron to give you the details on it -- we have -- each U.S. attorney's office has -- Let me make sure.

"Every U.S. Attorney across the country working with the FBI is establishing a special unit to receive reports of corrupt voting practices and to investigate any citizen's complaint that their voting rights have been violated." This has been consistent with past practices.

Q But not in a special alertness, given the closeness in the election?

ATTY GEN. RENO: I think any election requires an alertness, an especial alertness.

Q I have a couple of other election-related questions.

First of all, personally, have you cast your absentee ballot in Florida yet?

ATTY GEN. RENO: Yes, I have.

Q Okay. Do you care to tell us anything about --
(laughter.)

ATTY GEN. RENO: No, I tried my level best to stay out of politics.

Q Also, another election question:

The National Rifle Association has been running ads which suggest that the election could be -- outcome could impact the Justice Department's view of the constitutionality of the right to bear arms under the second amendment.

Is it the case that administrations from both parties have been consistent on the view of the interpretation of the second amendment?

Do you have anything that you could say about that?

ATTY GEN. RENO: Yes. (Laughter.)

This has always been raised, but our position is consistent with the letter by six former attorney's general, who said, "of all the arguments advanced," and this was at the time of the Brady Act -- by the opponents of the Brady Bill, "surely the most specious is the charge that it would infringe a constitutional right.

"For more than 200 years, the federal courts have unanimously determined that the second amendment concerns only the arming of the people and service to an organized state militia.

It does not guarantee immediate access to guns for private purposes.

"The nation can no longer afford to let the gun lobby's distortion of the constitution cripple every reasonable attempt to implement an effective national policy towards guns and crime."

Q That last sentence -- you were quoting from the letter?

ATTY GEN. RENO: Yes.

Q Ms. Reno, may I ask you about a local issue, and ask you to explain why the department has decided to launch an

investigation of the entire Prince George's County Police Department?

ATTY GEN. RENO: I don't think I should comment on the reasons why, because that goes to the subject of the investigation.

But as Bill Lee has stated, he met with officials from Prince George's County to inform them that the Justice Department has expanded its pattern or practice investigation of alleged police misconduct by the department. The expanded investigation includes a review of allegations of excessive force and racially discriminatory law enforcement.

The ongoing investigation of the use of canines by the Prince George's County Police Department will continue.

The Prince George's County Police Department has been working together with the department on its canine policies.

Although the Justice Department has decided to expand this investigation, it has not yet reached any conclusion on the matter.

Q What do you think the effectiveness has been?

What would you hope would come out of this when the Justice Department has taken a close look at police departments across the country in recent years?

ATTY GEN. RENO: Well, recall that the jurisdiction for pattern or practice was not provided until the '94 election, and so I can -- will ask Myron to check with the Civil Rights Division and see if they can provide you with specifics.

I could give you anecdotes, but I don't think that they're particularly helpful.

Q Do you have a general feeling it's been beneficial --(off

mike) -- since 1994 that have -- (off mike)?

ATTY GEN. RENO: From those departments where we have reached agreements or moved forward, and where there has been sufficient time to see it implemented so that you could judge the effects, I think it has.

Q On that same subject, Ms. Reno, it looks like we're finally going to get an agreement with the LAPD on outside monitoring, et cetera, in the pattern or practice. Any thoughts on the challenges that poses, given that the LAPD is such a bigger department than you've gone into before, bigger than, you know, Pittsburgh or Columbus, Ohio, in terms of the complexity, the allegations, the size of the department?

How do you even approach something like that?

ATTY GEN. RENO: I don't want to comment prematurely until it's been approved, because everybody has worked together on it.

But we have an extraordinary challenge and an opportunity.

Policing, as I have said on numerous occasions, is one of the most difficult, complex jobs there is. You've got to make snap decisions that are going to have to be upheld in court, all the way to the Supreme Court of the United States, potentially.

Most police officers don't have a law school education, and they can't sit at a desk with their feet propped up and pull the books off the shelf and decide what's right and what's not right. They've got to protect the public while at the same time making some hard decisions.

I -- there is so much good policing going on across this country.

My hope is that we will work with everybody concerned to establish the training procedures, everything that is necessary, to build the best police department possible.

And I think that is possible.

Q But do you have the resources in play in a department as big as LA?

ATTY GEN. RENO: Do you have --

Q Do you have the resources, the oversight mechanism, in a department as big as LA?

ATTY GEN. RENO: I think we can -- I think the concern really is how we implement it.

And I think we can, under the terms of the agreement, implement it and work together to achieve compliance.

Q Ms. Reno, have you taken a position on the changes or the latest version of the secret evidence bill proposed by Congressmen Bonior and Conyers?

ATTY GEN. RENO: I will ask Myron to give you the letter that we sent.

Q Okay.

Q On the same subject, I think former CIA Director James Woolsey sent you a letter regarding some people being held in Nebraska or Lincoln, Nebraska --

ATTY GEN. RENO: Yes. We're checking on that.

Q Another election question, Ms. Reno. There's been a lot of discussion about websites that encourage people to trade their votes -- GreensforGore.com and Nadertraders and so forth. And some are questioning whether these could be illegal.

Has the department looked into that question?

ATTY GEN. RENO: My understanding is that 42 U.S.C. 1973 prohibits offering or promising voters anything of value

for voting in elections where federal candidates are on the ballot.

This statute also forbids selling votes in a federal election, prohibits voters from -- 18 U.S.C. 597 prohibits voters from soliciting expenditures in consideration of their votes. And finally, U.S.C. 2(A)

makes it -- 18 U.S.C. 2(A) makes it unlawful for any person to aid and abet another to commit a crime. These are criminal statutes that carry penalties.

Any voter who solicits or accepts payment for his or her vote over the Internet and Internet website that knowingly assists voters to do so would arguably violate the law.

Q So --

Q But that is just for selling for something of value or soliciting, or whatever. If you offered to trade a vote for a vote, would that be covered?

ATTY. GEN. RENO: I think I'd have to look at just what the vote- for-vote was, but I would urge caution.

Q I'm a little confused. If Beverly and I say -- well, if Beverly says, "I support candidate A. If you vote for candidate A, then I'll vote for candidate C," is that illegal? I mean, that's essentially what's going on here. There's no real exchange of value.

It's just people trying to influence somebody else on how to vote.

ATTY. GEN. RENO: I think we just would exercise caution.

Q Another question on something that's apparently just happened this morning.

I wonder if you know anything about the condition of a prison guard in New York who was apparently stabbed this morning by one of the defendants in the embassy bombing

case?

ATTY. GEN. RENO: That happened yesterday afternoon about 1:00. I talked to the U.S. attorney.

I called the family and spoke to the correction officer's sister. Our thoughts and our prayers are with the family.

The information, the latest information that I've received, which is not as of right now, was that he was going to recover.

His sister explained how proud he was of his service with the Bureau of Prisons, and I told her how much we valued the work that he and all his colleagues do in a very difficult situation.

Q Is his eyesight in jeopardy?

ATTY. GEN. RENO: I would think it better that comments be made in New York.

Q Ms. Reno --

Q And I'm just -- I'm sorry. Will there be further charges stemming from this incident?

ATTY. GEN. RENO: We will just look at it and make appropriate determinations.

Q Ms. Reno, there's a bill at the White House on an intelligence authorization bill that has come under attack from both the left, right and the news media because of provisions on classified secrets. Can you explain to us why these expanded penalties are needed and why it's necessary now, and what your discussions have been with the White House regarding whether or not they will sign this bill? I understand there's been some reconsideration on their part.

ATTY. GEN. RENO: The present law -- I mean, the law prior to the passage of this act, one typical provision is 793 (d).

It says, "Whoever lawfully having possession of access to, control over, or being entrusted with any document," et cetera, "or note relating to the national defense, or information relating to the national defense which information the possessor has reason to believe could be used to the injury of the United States," et cetera, "willfully communicates, delivers or transmits the same."

That leaves a gap, a very narrow gap, involving other material that might not relate to national defense, but could jeopardize various interests to the United States.

When the act was proposed to address this issue, we objected.

Our objections were noted. We wanted to make sure that the information was properly classified and that it was delivered to somebody who the deliverer knew was unauthorized and was not authorized to have it.

Those objections were clarified and remedied.

And thus the legislation, as it was passed, affects this narrow gap.

I pointed out to the committee in my testimony that the passage of such an act would not result in a dramatically-increased number of leak prosecutions, because the problem had involved, not the gap, but the ability to determine who leaked the information.

Q How does the new legislation address that? Does it offer guidelines to -- as to --

ATTY GEN. RENO: It provides for the -- anyone -- it provides that anyone who -- I'll give you the exact language.

"Whoever, being an officer employee of the United States, knowingly and willfully discloses or attempts to disclose any classified information," et cetera, "to a person who is

not authorized, access to such information, knowing that the person is not authorized, shall be fined under this title."

And so the 793 relates -- it provides, relating to national defense.

This addresses any other classified information that might not be relating to national defense as long as it's properly classified.

Q Is a member of Congress considered an officer -- an employee of the United States? Does the law cover a member of Congress and their staffs?

ATTY GEN. RENO: Let me make sure of the construction and ask Myron to confirm it for you.

Q So what you're saying is it remedies the problem that in the past has dealt only with information relating to the national defense, which is --

Was it the concern of the department that that has been construed very narrowly? Because you could argue that that could be construed quite broadly to include the apparent leak that led to this legislation.

ATTY GEN. RENO: Well, what you've got to remember is that in the construction of criminal statutes, they are narrowly construed.

This, arguably, fills, again, a narrow gap. But it is not going to result in many new prosecutions.

Q Have you discussed with Mr. Podesta, the White House's apparent second thoughts on this matter?

ATTY GEN. RENO: We will be discussing those.

Q I mean, in the past the Department has not really gone after the recipient of the leak as much as -- because of the terms of the law -- as the leaker itself?

Will that continue to be the case?

ATTY GEN. RENO: Well, usually you-all are the recipient of the --

Q (Off mike.)

ATTY GEN. RENO: -- the leak. And this statute does not go after -- this proposed act does not go after the recipient.

Q It would have a chilling effect on the disclosure of properly classified information that did not threaten national security but just was properly classified; correct?

ATTY GEN. RENO: It would have a chilling effect?

Q Mm-hm, discourage people from talking about those matters that would be considered classified that were non-national-security in nature.

ATTY GEN. RENO: I don't know whether you would call it a chilling effect or not, but if there was a criminal penalty associated with it, people would recognize that they would face prosecution.

Q May I ask the inverse of David's question, which -- I think this is the inverse of his question. If there are not going to be many prosecutions under this -- your prediction is it won't result in many new prosecutions, and there have been very few under the old law -- obviously, the concern here is when classified information is made public, it takes two to tango, there is usually somebody in the news media.

Past administrations of both parties have been reluctant to go after people in the news media because unless you get both sides of the transaction, it's very hard to make a prosecution against the government official.

I guess what I'm asking is, why bother with this new

legislation if the past record indicates that the government, no matter whose party is in control of either the Justice Department or the White House, is reluctant to prosecute anybody?

ATTY GEN. RENO: I don't think there is a reluctance to prosecute the person who leaks the information.

Trying to find that person while at the same time honoring the First Amendment interest of the media is a very difficult task from one administration to another.

Q Well, so difficult that it almost never happens.

ATTY GEN. RENO: Well, I think it is important that we continue our efforts, because some leaks have been very damaging.

Q Ms. Reno, is there anything in this legislation that would prevent a federal judge from holding a reporter in contempt for refusing to disclose information about a crime, a crime that this legislation addresses?

ATTY GEN. RENO: I don't think it's in the statute. I think it's, arguably, in the first amendment.

If I were your lawyer, I would argue the First Amendment.

Q Well, sometimes people have gone to jail for refusing to reveal --

ATTY GEN. RENO: Remember my mother wanted to go to jail to --

Q I remember.

Q Ms. Reno, can you explain which leaks in particular have been very damaging to the government?

ATTY GEN. RENO: I obviously wouldn't, because it would only complicate a further problem.

(Pause.)

ATTY GEN. RENO: Thank you very much.

Q We've got an election coming up next week. There's still no resolution in the investigation into the debate tape that was sent from one office to another. Some have said the Justice Department expressly doesn't want to deal with this before the election, and that after the election it wouldn't necessarily be prosecutable, because it wouldn't have relevance. Can you give us some sense of what's going on? Because there are some people who perceive the department is just keeping its distance from this matter until after the election, in terms of decision-making.

ATTY GEN. RENO: I can't comment on the investigation, because it's pending. But I can say that the department is, as I have been advised, doing everything that is appropriate with respect to the investigation.

Q Are you likely to move forward after the election with that --

ATTY GEN. RENO: I would not comment on moving forward or not moving forward, because I'm addressing the issues of how we do it the right way. And that's what should be done, and I shouldn't comment further.

Q Did you respond to the letter from Tom Downey's attorney urging that this investigation be brought to a swift conclusion and that its conclusions be made public?

ATTY GEN. RENO: No, I don't believe it's been responded to yet.

Q Okay.

ATTY GEN. RENO: Thank you very much.

Q Thank you.

Q Thanks.

END.