



NATIONAL COMMISSION ON THE FUTURE OF DNA EVIDENCE

\* \* \* \* \*

SPEECH OF ATTORNEY GENERAL JANET RENO

\* \* \* \* \*

JOHN F. KENNEDY SCHOOL OF GOVERNMENT

79 JFK STREET

CAMBRIDGE, MASSACHUSETTS

\* \* \* \* \*

20 November 2000

6:00 p.m.

P R O C E E D I N G S

ATTORNEY GENERAL RENO: Thank you, Senator Pryor and Dean Shower.

It is a wonderful occasion for me to be back here, to see the inspiration of the students, the excitement, the stars in their eyes as they talk about public policy and the issues that they hold dear.

I gave some advice, when somebody asked me -- I try not to do it whence they don't -- but I gave some advice this afternoon on how to prepare for a career in public service: Don't lose your idealism. Don't become cynical. Learn how to be smarter than the people who are cynical, and you will

derive such benefit.

If you had told me 37 years ago that I would be standing here thinking about Robert Kennedy being 75 instead of being the attorney general, and me being the attorney general, it seems impossible, since there were only 16 women when entering the class of 544 at the law school, but times have changed, and I think I may be looking at the first woman president of the United States.

(Applause.)

This is about my third visit to the Kennedy School, and each time you inspire me to challenge myself and to challenge others.

DNA is, of course, neither the first nor the last new forensic technology. To put things in a little perspective, it is interesting to note that fingerprints were first used in a forensic context in the late nineteenth century in England. Like the introduction of fingerprints into law enforcement, DNA has forever changed the landscape of the criminal justice system. Our challenge, and the one that all of you and the commission have so ably grappled with, is how to you utilize these new tools.

In the rotunda of the Jefferson Memorial in Washington, D. C. is inscribed a statement from Thomas Jefferson that I think confirms the importance of our willingness to be open to this and other new technologies and the systemic changes they may bring.

President Jefferson said: "I'm not an advocate for frequent changes in laws and constitutions, but laws and institutions must go hand-in-hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths discovered, and manners and opinions change with the change of circumstances, institutions must advance also to keep pace with the times."

And if I were asking Mr. Jefferson to add any statement to

that, I would say: And the challenge always with us will be to make sure that human beings master the technology and the change, rather than letting technology master us.

The Kennedy School has a wonderful history of bringing people together and different views together in this kind of forum. I truly believe that this kind of inclusive dialogue is critical if we are to uphold our responsibility to strive towards the betterment of our judicial system, and it is such civil and thoughtful dialogue of people with fierce views, lots of knowledge, but it is a great crucible for forging new ideas.

The commission, under the leadership of my friend, Chief Justice Shirley Abrahamson, aided and abetted by wonderful commissioners and Chris Asplund and the staff, has been an excellent example of the value of public discourse, particularly when considering the application of this complex technology to the investigative process, to the courtroom, and to the appellate process.

It is an extraordinary challenge because, like cyber technology, DNA technology, just by itself, is difficult. You add the law, the Fourth Amendment, courtroom procedures, rules of procedures, and it becomes much more complicated. And I think that the university systems of this country must come to recognize that, and recognize that lawyers won't solve the problems by themselves, public health specialists won't solve problems by themselves, and the biotechnicians won't solve their problems by themselves. The time has come for the great universities of this nation to start giving regular course work in subject matters that are affected by the law and that affect the law.

Since this is the last meeting of the commission, I want to give them a hardy public thanks, to each of the commissioners, for the important and thoughtful work they've done over the past several years, and to comment on the implications of that work.

To NIJ, for its great work in this area, I add a salute.

When Jeremy Travis, David Boyd, and I first talked about the issue of wrongful convictions and the potential of DNA to free innocent people, we didn't understand fully about the nature and extent of the post conviction DNA testing issue. There was little understanding of how post conviction DNA-based appeals might be different from appeals based on other kinds of evidence. Thanks to the commission's work and recommendations, however, we now have tools available to prosecutors, defense attorneys, the judiciary, victim advocates, and scientists, to facilitate a thoughtful approach to an analysis of these cases.

Let me put in human terms just what we're talking about. We must not let another day go by if we have innocent people sitting in jail that could be freed by DNA testing. We cannot let another day go by because we have not apprehended an offender who's out there who would be known if we were able to make a map that would save a victim from tragedy tomorrow.

The governor in Florida once asked me to reinvestigate the case of a man who had been prosecuted, convicted, and sentenced to death for the poisoning death of his seven children 22 years before. He should not have been charged. He was probably innocent. He should certainly go free. And I will never forget, for as long as I live, that man walking out of the courthouse free for the first time in 22 years. That is what we are talking about. That case was not based on DNA testing, but it is that freedom and the limitation of freedom that is at stake in what the commission has done and what this work involves.

How do you explain, as I have had to explain to somebody, why the criminal justice system couldn't catch a person before they murdered somebody? That's what we are talking about here.

And to deal with these issues in law enforcement, we must recognize that information is the life blood of law enforcement, finding the information, the clue that leads us to the next step, and to the next step, to finally being able to put together a case. And, remember, we have to put

the case together so we can prove it beyond and to the exclusion of a reasonable doubt. Think about it and how hard that is. How many areas do you know where you have a shadow of a doubt? A reasonable doubt?

Today's new technologies give us ever better sources for that life blood of law enforcement, it gives us an opportunity to know information that we never dreamed could be available to us. Automation technology allows us to link it all together so as to truly form truly powerful aids to law enforcement. But to ensure that these marvelous, new tools are not curtailed by public disapproval or abused, we must be sure of four things: First of all, that the information developed by DNA testing is accurate; second, that it is relevant as we apply it to a particular case; third, it must be developed and utilized with proper concern for the Constitution and our right to privacy; and fourth, the people must accept them as accurate, relevant and constitutional.

The commission has done a great job in terms of trying to achieve these goals, and the wide admissibility of DNA today is the product of years of litigation in state courts to establish the legal liability of DNA based on the standards for admissibility of scientific evidence set forth by the US Supreme Court in *Pry*, *Dowdert*, and *Coumhome*. (Phonetic.)

We have come further than that and, now, DNA testing is accepted in so many situations, but we must continue to do much more. We must continue to work at getting information out to the law enforcement community, for the information can only be as plentiful if it is gathered and the gatherer is skilled. If the detective, the beat officer, the crime scene technician, know in every case how to look for and preserve the proper evidence, justice will be done.

The commission has also done so much to get this technology into the hands of our law enforcement officers through material, through two CD-ROMs, through really trying to gauge how we can be effective in providing information to law enforcement across the country. The development and distribution of one and a half million training pamphlets

explaining DNA and proper collection procedures will go far to help bridge the gap between the technology's potential and our ultimate success.

In the area of post conviction use of DNA testing, when we first looked at this issue, only one state had legislation specifically addressing post conviction DNA testing. Since that time, I believe largely in response to the commission's attention to this issue, thirty-six post conviction bills have been introduced in nineteen states, eight states have enacted legislation providing for testing, and three states still have legislation pending, fourteen bills have been introduced in Congress providing for some kind of post conviction DNA testing, including a bill with bipartisan sponsorship introduced by Senator Lahey earlier this year aimed at providing post conviction testing in appropriate cases, and in ensuring competent counsel in capital cases. A similar bipartisan bill was introduced in the House by Representative Delahunt and Rowhood (phonetic.) The Department of Justice has strongly supported these things and has worked closely with Senator Lahey's staff on developing appropriate language.

The commission's recommendations for handling post conviction DNA testing, the model legislation was developed, and the public attention it has brought to this issue has been so important to our national discussion about wrongful conviction. Its work has been cited by Congress, state legislatures, the courts, and academic publications. District attorney's offices, like the one in San Diego, have even begun to proactively review cases for the potential application of DNA testing.

At the Department of Justice, I've asked my prosecutors to review all the cases of all federal death row inmates to assess whether, under the recommendations of the commission, post conviction DNA testing should be utilized in any of these cases. In addition, I have asked the National Institute of Justice to convene a meeting with prosecutors from those jurisdictions like San Diego and New York to discuss and learn from them about the issue of implementing active review of post conviction cases.

We are striking a good balance between the importance of finality in the criminal justice system and the importance of utilizing all our tools to ensure that only the guilty are convicted, but let me point out about finality. In the case of James Joseph Richardson, people told me there was no remedy available. Time had expired. I said, "You cannot let a man sit in jail when the evidence is not there." And we found remedies. The law, to seek justice, can do wonderful things, but, basically, where the law works best is where the facts and the information support the equity of the matter.

I am proud that, as we become more enlightened and more discoveries are made, we are committing those new ideas to our ultimate goal: The search for truth.

When I charged the commission with its responsibility at its first meeting in March of 1998, I asked that it not wait until its conclusion to tell me what I or the department could do to make sure that we are using this technology to the fullest. They heeded my request because, also, at that first meeting, the commission began to examine the status of the DNA database system, both nationally and in the individual states. What they found and brought to light was that while these DNA databases are incredibly powerful, investigative tools, their potential remains largely unfulfilled.

The commission identified that, throughout the country, our state and local laboratories have significant backlogs of both offender DNA database samples and crime scene samples waiting to be tested. There are in excess of one million convicted offenders whose DNA profile should be in this database, but are not. Perhaps, more tragically, the commission has found that there are over 180,000 rape kits sitting on the storage shelves of police departments throughout the country. Our laboratories simply lack the resources necessary to perform their work analysis and their database analysis, which can reach the tens of thousands.

The advent of the Kodex system has exponentially increased

the workload at crime labs, but the funding necessary to make the advantages of the Kodex a reality needs to keep pace. This is a simple cost benefit analysis. We know that the more offenders we have in the databases, the more arrests we will make, and the faster we will make them, and the more victims we will save from tragedy. That translates, tangibly and immediately, into a reduction of crime and the number of future victims. But in order to reap those benefits, we must invest in the people, in the training and the technology, to reduce those backlogs as fast as possible.

In its very first recommendation to me, the commission described the nature of this problem and its consequences. It recommended that the department allocate money for the outsourcing of convicted offender samples. As a result of that recommendation, the National Institute of Justice established a \$15 million backlog reduction program, the benefits of which we have already begun to see. By the end of this fiscal year, nearly 300,000 convicted offender samples and 3,000 cases without suspects will be entered into the database and made accessible to law enforcement officers all over the country.

For the fiscal year 2001, if we get an appropriation package passed, a total of \$30 million has been included in the Conference Report for the Crime Lab Improvement Program DNA Initiative. However, the comfries (inaudible/phonetic) have included \$19,050,000 in hard earmarked, leaving only a maximum of 10,950,000 which can be used to address the DNA backlog. We have got to work together with Congress to enable them to understand how important, how critical this is in terms of protecting the innocent and ensuring the public safety.

I believe the great lesson to be learned from the commission's process over the past few years is the importance of a thoughtful approach to technologies' integration into the criminal justice system.

Law enforcement's application of technology also gives rise to significant social and ethical considerations. The American people prize their privacy. They want to bet left



alone. They don't like government telling them what to do. Constitutional doctrine acknowledges that. As such, technological capability does not necessarily translate into public acceptability for law enforcement use.

I know there was discussion yesterday of the issue of just whether it should include the arrestee, suspects, the witnesses, and even victims in DNA databases. These dialogues are a clear example of the public's cost benefit analysis of technology and privacy and public safety. Clearly, these databases have significant crime-solving potential, however, public concern over the creation of such databases must be listened to and genuinely considered and discussed in a collegial, thoughtful way if law enforcement is going to successfully advocate for their development. Failure to account for this concern risks a reactionary response to the technology's application, lack of support from the public and, ultimately, lack of support from those responsible for the funding. It is too wonderful a tool to mess up in this way. This is an example of where we must come together and talk.

We will face new challenges. For example, what approach should be taken to research which purports to establish a genetic base to certain behavioral characteristics such as violence, addiction, pedophilia. These are issues we are going to have to be prepared to grapple with.

The discussions you're having here, at the Kennedy School, and the work of the commission are so important. We've made a good start, but it's clearly just the beginning. With the exploration of the commission, I, today, asked Chief Judge Abrahamson what she thought of how we should carry on the work of the commission. She indicated that all good things come to an end, but that we should continue. And I have asked the National Institute of Justice to convene an annual conference, pulling together experts to address particular issues in a thoughtful way so that we make sure our research, our discussions, our dialogue, our focus on how we ensure accuracy, relevancy, privacy, and public trust. With continued efforts such as this conference, I'm confident that our system of justice will continue to advance our search for the truth and keep our society free

and safe.

These last weeks have reminded us of how incredible an institution democracy is. During my time as Attorney General, I have also had the opportunity to welcome ministers of justice from emerging democracies in Eastern Europe and around the world. They come with stars in their eyes. Sometimes they get frustrated. Sometimes they're out of office. Sometimes their democracy fails. It is a very fragile institution. We must cherish it, and we must never, ever take it for granted. It requires that we work as hard as we can at it in a collegial, thoughtful way. That doesn't mean that we don't have to feel passion, that we don't have to feel fierce about our beliefs, but we've got to listen with the listening ear and work together to make sure that democracy flourishes.

There is a unique and moral law around here, a statement on the east side of the Justice Building on 9th Street that says: "The common law is the will of mankind issuing from the life of the people, framed by mutual confidence, and sanctioned by the light of reason. The common law is not technology. It is the people, all of the people."

I see some who were here this afternoon. I sensed their idealism. I urge you all don't lose it. There is too much to do in this world and too many great causes to pursue, and we need all of the strength of this great institution in that endeavor.

Thank you very much.

(Standing ovation.)

DEAN SHOWER: Before we open the floor for questions, I want to thank the Attorney General not only for the both thoughtful and inspiring remarks, but, perhaps, even more importantly, for taking time out earlier today to spend time with the group of 30 students from the college and from the Kennedy School. Being willing to take so much of your day to meet with students and others in a number of different settings is something we really appreciate.

The rules for questions here are quite simple. There are four microphones, two down here, and two upstairs. Please identify yourself before asking a question. Please make it a question, and not a statement. Please keep it short. And, finally, please keep it to just one question. Your second question is not as important as someone else's first. The floor is open.

Q. Hi. I'm Amy Leon. I'm a Huntington student and a joint degree law student at NYU. First, I want to thank you for coming and for blazing all the trails you have for women. And I'm wondering, in your long tenure as Attorney General, if you could talk just a little bit about what was the highest point for you and the lowest.

ATTORNEY GENERAL RENO: The lowest was, clearly, the Waco case. And what you do with those situations is try to prepare yourself as much as possible, ask as many questions as you can, try to make sure that you thought of everything you possibly could, and then live with your decisions, because you know that you tried your best. I will never know what the right decision was because we could have done the same thing three weeks after that with no provocation, and we would have been blamed for that, too.

The high point is a mixture of things. It is the people of the United States, the people of the Department of Justice, the people in government, not of government, who are doing so many incredible things, both in Washington and around the world, and in communities across America, to build a sense of community, to build a democracy, to make America safer, freer, healthier, and a more positive place to live in. The work that is going on is absolutely incredible, and it gives you, after having the opportunity to meet so many wonderful people, greater pride in America than ever before.

Q. Hello. My name is Heather Langdon and I'm a sophomore at the college. I was wondering if you could tell us what, in your opinion, it was about the Elian Gonzalez case that attracted so much attention from the media and from the nation.

ATTORNEY GENERAL RENO: First of all, I will remember, as vividly as if it were yesterday, even 20 years from now, picking up the paper when I was down in Miami, looking at it, his picture was on the front page, and I said, "What a cute little boy, what a terrible ordeal he went through," and I was just struck by it and I couldn't get it out of my mind. Little did I know. (Laughter.)

There were all the issues: There was freedom versus a totalitarian government. There was a father's love versus freedom. There was the law. There was the passion of people.

I don't know. But it was very interesting, before he was returned to Cuba, but while he was with his father, I went to a state dinner honoring the President and Mrs. Membecki. And I was coming through the receiving line and Mrs. Membecki says, "Oh, my dear, please tell me how little Elian is."

I think what got people was there are very few processes where the court goes from state court, to federal district court, to the federal court of appeals, to the supreme court in less than six months, so that the people can see the legal system at work and understand it, and I think that gave them an opportunity to appreciate it.

Somebody asked me what was my bottom line, and I said my bottom line was that little boy belongs with his daddy.

Q. Hi. My name is Megan Lovell, and I'm a sophomore at the college. And I've been curious to know in comparison to other countries around the world, how progressive has the United States been on matters of developing DNA technology in public policy, and what effect has the international community had on the Department of Justice's work on these issues?

ATTORNEY GENERAL RENO: That's a very good question, and I don't know the answer to it in detail because I came in on the last of a very good presentation today. I would ask any of the commissioners, Chief Justice Abrahamson, if you wanted to address that. Chris, why don't you come up.

(Laughter.)

CHRIS: Thank you.

I would suggest to you that in terms of integrating the technology into the criminal justice system, we are ahead of most, although, not all countries. The United Kingdom, for example, is much more advanced or, I should say, have gone further in terms of their database utilization. However, I would say that in the past two or three years, largely as a result of the Attorney General's vision to create this commission, we have gone a long way, and I would say more than many countries, perhaps, most countries, in terms of discussing these integration issues because, ultimately, it extends far beyond the technology, itself. It's really all about integration. It's all about how do you integrate the technology in a way that engenders that public trust. Canada is also in a very thoughtful process right now of the development of their database. And, as we stand right now, we're in a good position to help the rest of the world establish their databases with the same kind of thoughtful approach that we have.

ATTORNEY GENERAL RENO: I would also add, in a general sense, whether it be cyber technology, DNA databases, all crime is going to become international in its origin, and consequences are a great part of it.

When a man can sit in a kitchen in St. Petersburg, Russian and deal with a bank in New York, we have a whole new day in law enforcement to deal with those issues. It's going to require that we establish standards for cyber forensics that are international in scope, just as we try to work together with the European Union and others to establish a common standard for DNA testing. It is exciting because I have spent an awful lot of time trying to build understanding and a system of government that says the crooks, the bad guys, are going to find that there is no safe place to hide in this world.

Q. Hi. My name is Andy. I'm a freshman at the college, and I'm from Miami, Florida. And I know you are, as well.

My question is a follow-up to the Elian Gonzalez one. I would like to know your personal feeling as to how you thought that the Miami community reacted to the situation on both sides of the issue and what you think that the Miami community can learn from what happened a few months ago.

ATTORNEY GENERAL RENO: I had hoped that the Miami community, on both sides, would address the issue thoughtfully and carefully, knowing that there were strong passions and strong feelings.

I, once, was involved with that same community where I was born, raised, and a community I love very much. After the Duffy prosecution that resulted in an acquittal back in 1980, people blamed me for the verdict, and urged me to resign to avoid further bloodshed that night as part of riots that occurred. I said I wouldn't do that because to resign would be to give in to anarchy, and that wasn't the way to do things. I said you've got a perfect opportunity to get rid of me because I have to run for office this year, and you can qualify against me this coming July. Well, nobody qualified against me, and my mother said it was because nobody wanted the job. (Laughter.)

But what I did was, thereafter, go to Liberty City to any meeting of any group that wanted to talk to me about it. And, at first, they yelled and were very bitter in their comments. By the end of the first meeting at the community center, people were coming up to me and just patting me on the shoulder as they left.

Within about six years, my mother and I were walking the length of the Martin Luther King parade, with mother saying, "Why are we cheering you?" (Laughter.)

I said, "It's called child support collection, mother." (Laughter.)

It is so important that you put aside bitterness towards people and try to go out and reach out to them and work through the bitter comments, and in the end, I think we can

find a common ground.

Q. Hello. My name is Jackie Newman. I'm a freshman at the college. What do you think is the most important thing America can do to continue to lower our crime rate?

ATTORNEY GENERAL RENO: America has got to do some sensible things. It has got to continue what I hope we have started, which is a thoughtful, nonpartisan approach to crime. Crime is very susceptible of good, common sense tactics, and it's not susceptible to partisan political rhetoric.

I have stood with Republican sheriffs and Republican mayors and Democratic state's attorneys as we have dealt with the issue of crime together without partisan friction, and I think that's one way to do it.

Secondly, we should use the information that we now have so readily available. To give you an example, I used to think, oh, here's that battered Buick with the battered right fender again, I wonder how many convenience store robberies it's been involved in. If I had been able, as I could now, to scan in all the arrest reports, all the incident reports, and find every common denominator of that Buick with the battered right fender, I'd probably find clues that could follow a bunch of convenience store robberies.

The more we can use information to identify the major crimes, problems, and approach them in a common sense way, we can make a tremendous difference. We must keep the pressure up with respect to domestic violence. Unless we end violence in the home, we will never end it on streets or in the communities of America.

(Applause.)

This time, the law has been a little ahead of others. The criminal justice system is not going to solve domestic violence by itself. Pediatricians, OB/GYN docs are going to have to have materials in their waiting rooms on domestic violence and where to go, and the fact that you don't have to put up with it, and don't blame yourself. And this is

what you do to help children get through the trauma of having watched violence, just as they have for other diseases, and we're going to have to look at it from a public health perspective.

I think the faith community is going to have to speak out with a louder, more eloquent voice than it has on so many occasions on this issue.

We have got to let people know that -- millennium, probably, of actions to the contrary does not justify us in any way finding such violence acceptable. We've got to give our children a strong and positive future. We have made progress in that regard, but we should make sure that we have the building blocks in childhood.

When I dealt with the crack epidemic in Miami, I had to figure out what to do about crack-involved infants and their mothers. The docs taught me, and nobody has ever disagreed with me since on this subject, that 50 percent of all learned human response is learned in the first year of life, that the child has developed a conscience and the concept of reward and punishment during the first three years. And I, suddenly, said to myself what good are all the prisons going to be 18 years from now if this child doesn't have a conscience. What good are educational opportunities going to be if this child doesn't have the foundation of learning.

We've got to make sure that every child has proper preventative medical care, that they have educare in zero to three that ties into headstart. And I didn't say "child care," I said "educare." We're going to have to make sure that there are good programs with supervision after school and in the evening. We've got to ensure truancy provisions that get kids back in the mainstream. We've got to make sure that something is corrected in the station that pays for football players in the six-digit figures and pays the teachers what we pay them.

(Applause.)



We've got to listen to young people. I went to the Community Justice Center in Brooklyn today, listening to young people who were so bright and so wonderful and wanted to be somebody and could contribute. But I've got the best idea. We've got to return the children to their fathers and mothers, and the fathers and mothers to their children.

If you had told me, in 1963, that I would have to, if I decided to raise a family, make a choice between the law and raising a family, I would have told you to get lost, and I'll still tell you that. But for a nation that can send men to the moon, we ought to be able to organize a workplace and a work day that gives both parents quality time with their children and gets them unobsessed with their lives. (Applause.)

Now, I want you all to prove me right on that. You're clapping, but it sounds good. I was told not to do this anymore because it marginalizes it, but I think it's such a great idea. I want two shifts, the parent shift that gives parents the opportunity to take all the children to school at eight o'clock in the morning, pick them up at two or 2:30 in the afternoon, both parents take them home, read to them, play with them. Learn how to participate. If you're musical, teach them music, tell them funny stories, help them build things, appreciate their pony, make sure the pony doesn't scrape them off as they go under a tree. And, then, there would be a golfership, and they would go to work at 11 o'clock and stay until seven or eight, and it has an added benefit: You won't have to have money for rush hour traffic and you can spend highway dollars on children and their future.

(Applause.)

Q. Hello. My name is Josh Laxena, and I'm a sophomore at the college.

After the forum yesterday about the criminal behavior and genetics, I wanted to know what your views were about incorporating genetic disposition towards criminal behavior as evidence in trials.

ATTORNEY GENERAL RENO: I think we're going to have to go a long way and do much more study and have further discussion, and I anticipate that the groups that we pull together will deal with that. I'm not prepared to pass judgment on that, yet.

Q. Thank you.

Q. My name is Penelope Spectrode. I'm at the Center for Public Leadership at the Kennedy School. I'd like to ask your views on the current election crisis. Do you think -- everyone's now waiting for the Florida Supreme Court to make a decision. Do you think that's the way to determine the will of the people? And what, if any, recommendations would you make for reform of the system so they can know that nothing like this can happen again?

ATTORNEY GENERAL RENO: Well, first of all, I have said at the outset, as this began, that the conduct of elections is very clearly, under our law today, a matter of state law, but that we have reviewed everything to make sure that there is no federal jurisdiction that would appropriately trump state law.

I would prefer to see the whole story unfold before I commented on what was necessary, if anything. But I think it is a time for us to learn to take stock of just what happened and, most of all, to never, ever take democracy for granted. And always, always go vote. (Applause.)

Q. (Unable to hear question.) He would make it a top priority to capture Mohammed Jouib (phonetic) who masterminded that attack. Since that attack, he has masterminded shootings and bus bombings that killed other Americans. I was wondering what the Justice Department is doing to capture him and whether the Justice Department has issued a reward that can provide information leading to his capture, just as it has in other cases where Americans have been killed by terrorists abroad.

ATTORNEY GENERAL RENO: What I can't do is comment on pending investigations and what steps we are taking because

that's, obviously, not something that we want to let the other side know. But I have said, all along, and I know Director Freeh shares my feelings, that terrorism is ultimately the most important of all the federal responsibilities in terms of the criminal justice system, and I've treated it accordingly.

Q. My name is Nick Ashara. I'm a sophomore at the college.

You've faced, probably, more public scrutiny than most officials have during their tenure as attorney general. I was just wondering if you could comment on how the court of public opinion influences and, perhaps, undermines the progress of the criminal justice system and your role as attorney general.

ATTORNEY GENERAL RENO: You, inevitably, run into a situation where, if you have taken a chance on a person because all the factors dictated that if you did this, he would never commit a further crime, and he goes out and commits a further crime, including a terribly tragic crime. The public, rightfully sometimes, and sometimes with a little -- I'm not quite sure how to describe it, but sometimes they become very antagonistic, and you have to explain to them why you did it.

What I have discovered is if you have tried to pull punches and not explain -- the reason -- I'm sorry I can't -- it's kind of a frustration. I can't talk about pending cases because that would be unconducive to a good investigation and to appropriate prosecution. But on my Thursday morning press availability, I try to let people know why I've done things to the extent that I possibly can, and I try to share with them what I can comment on, why or why I can't comment, why I did something.

I have great faith in the American people. One of my pieces of advice is, if you get into public service, trust the people. They may be wrong some of the time, but they're right a lot more than I think some people give them credit for, and they are particularly righter when they're fully informed.

One of the concerns that I have, under Florida law, we have a Sunshine Law that requires the meetings of governmental bodies be under sunshine, and a public records law that provides for public records of all state records except those that relate to pending prosecution or something such as that. I would like to see our federal government be a little bit more open in its processes in explaining to people why we do things and why we don't.

Q. I'm Todd Koment. I'm a joint degree student with the Kennedy School and ELO School. Last year, at the ELO School, Peter Newfeldt spoke about the implications of his work on DNA and innocence, and one of his conclusions was that as much as DNA is helpful, it highlights really that the overall system is fundamentally flawed, and that if individuals have access to expensive attorneys or just more wealth, they're much less likely to get the death penalty.

And I'm wondering, do you believe that, given prejudice and the nature of our capitalist society, you could ever have a fundamentally fair application of the death penalty in the United States, and would your opinion, perhaps, change once you're no longer a spokesperson for the administration?

ATTORNEY GENERAL RENO: Unless we properly fund indigent defense, it will not be fair. And one of the things that is important for me is to make sure that we have competent counsel for all those charged with a capital crime.

I'm, personally, opposed to the death penalty, and if I were in the legislature, I would vote against it, but I think one of the clearest things we have got to focus on is making sure that people charged with crimes have access to the law, and real access to the law, not just in name only, that they have competent counsel who are vigorous in their defense, and that they have access to DNA expertise, to other forensic expertise that they need in properly preparing their defense.

Q. My name is Matt Swanson. I'm an MPP student at the Kennedy School specializing in international security.  
(Inaudible.)

My question focuses more on the international realm and the involvement of the Justice Department. Recently, we have seen the Justice Department, and particularly, by extension, the FBI, take a greater role investigating claims of terrorism outside the borders of the United States and in areas related to cyber terrorism. I wonder if you could explain some of the processes for your self-involvement in national security decisions as it relates to that at the presidential level, as well as the involvement of the Justice Department and the FBI now, and in the future, for that kind of problem.

ATTORNEY GENERAL RENO: Well, we are always -- when you have a tragedy like East African and other bombings, we are going to reach out and do everything we can consistent with the interest or the will of the host nation to address the issue where it involved an American.

I think Director Freeh has done a great deal by establishing Legat (phonetic) positions around the world, and making clear to everyone concerned that crime is becoming more international in its consequences and its origins, and I think this is a very important step. He and I consult regularly when there is an incident or a case such as the Yemen bombing, and we usually meet regularly in the first days of the investigation to make sure that everything is on track and that the investigation is ongoing and that there are sufficient recourses, and then we work together through the National Security apparatus.

Q. I'm not clear how that working through the National Security apparatus part was.

ATTORNEY GENERAL RENO: The National Security adviser of the president, or his deputy, will oftentimes call a principal's meeting or deputy meeting to address the particular issue or to be updated or advised as to what the status of the investigation is. There are working groups that work out the issues on a continuing basis, and we use the forum of the National Security Council as the means of ensuring that government is together on it.

Q. I am Mimi (phonetic) Kim. I'm a grad student.  
(Inaudible.) My question is what is your personal opinion on filing charges, criminal charges, against DNA sequences or DNA samples without knowing the person's identity?

ATTORNEY GENERAL RENO: I think it will depend on the circumstances in terms of are you referring to John Doe warrants or something such as that?

Q. Yeah.

ATTORNEY GENERAL RENO: I always am a little cautious about John Doe warrants, that's a personal opinion, and would want to make sure that they were fully investigated and that we had done everything we could. I would not foreclose it because there might be situations where there's other evidence -- we had sufficient evidence to do it, but, again, I would take it on a case-by-case basis.

Q. My name is Joe. I'm a freshman in the college.

And I'm curious, now that all is said and done, what is your opinion on how well or how poorly did Kenneth Star execute his duties as independent counsel, not to beat what may be a dead horse.

ATTORNEY GENERAL RENO: I felt that I had to ask for independent counsels in certain situations or expand their jurisdiction in other circumstances, and I I've made it a policy not to comment on Mr. Star to ensure his continued independence.

Q. I'm a public defender from Connecticut and I represent people in post conviction challenges, including actual innocence cases. You mentioned Florida's open records law. Would you support full access to records of investigations after conviction when there's no longer an ongoing investigation?

ATTORNEY GENERAL RENO: I'd have to look at what you were doing. Bennett Rumer would ask me a question like that, and I would -- used to say yes. Then, there would be some

little bleep he would put into it. So, when you've got the case and it's a federal case, before I leave for Miami at the end of January, let me know

Q. (Inaudible.) I'm a sophomore at the college.

Attorney General Reno, you've placed great emphasis on bringing the guilty to justice. I'm wondering what your thoughts are on the conditions of the prisons in this country.

ATTORNEY GENERAL RENO: I have a jail or a detention center under my jurisdiction that I'm not happy with, who would let me first talk about my own house and what I'm trying to do to make sure we have appropriate prison and detention standards. We've worked with the ABA to try to develop some effective standards. We've tried to institute procedures that I think will correct it because I can't abide the thought of being responsible for a jail that is, in any way, debasing or degrading, other than the fact that detention, by itself, is degrading. And there are some prisons that are superb.

I'm, generally, very impressed with the Federal Bureau of Prisons and its operations under very difficult circumstances. It's an excellent agency with a tremendous challenge.

Yesterday, I visited a correction officer who was stabbed by one of the (inaudible) terrorists, who shortly faced trial, and you just realize that it is so difficult to -- I guess Winston Churchill put it best: The mark of a great civilized nation is how it treats those it charges with crimes and those whose liberties are limited because of sanctions or punishment.

I have talked to many people who have found prison just so degrading and debasing because of the conditions that they don't get off to the right foot after they get out. And what I'd like to see in terms of prisons in this country are those that are secure, safe, for officers, for other inmates, that provide for those who are returning to the

community real chances of work opportunities, job training and placement, preparation of life skills, how to get to work on time, responsibility for children, accountability, knowing how to cope with the world. I'd like to see us develop reentry programs that enable a church or private not-for-profit group or other persons to sponsor somebody while they're in prison and start building contacts for them for when they come out, making sure, for example, that they write to their children, that they send money if they're working in a prison industry, to start showing that they can pay child support, for example, that they prepare themselves for housing. And the sponsor helps them find housing other than the department in the open air drug market where they got into trouble in the first place. Prepare them for having their civil rights restored so they can take their place in instructing people in society. We sometimes put so much of a burden on those people coming out of prison, that it sometimes seems to me a failure. We have got to give them support and hold them accountable.

Q. (Inaudible.) Recently, I just watched a movie which is called "American Tragedy," which was about the O.J. Simpson case. This movie remind me that the jury and the DNA evidence could be misused. And I'm wondering how we can reduce risk of misuse by the jury of DNA evidence based on the message in the Simpson case. Thank you.

ATTORNEY GENERAL RENO: I didn't follow the Simpson case, so, I'm probably one of the few that didn't, but one of the things that you learn is that while we try to be perfect, we make mistakes. And I think the work of the commission, in terms of its training, its educational materials, are what we need to ensure appropriate standards. I think we need to hold our labs to high standards. I think we've got to encourage people to get into forensic work. Lawyers don't necessarily do that because they make some of the experts feel like they have been through a ringer after they've been subject to cross-examination, but I think it requires constant vigilance, as does any work on forensic issues, whatever it is.

DEAN SHOWER: Earlier, this evening, the Attorney General was given the opportunity to make closing remarks, and she



said she would rather devote the time to questions. Given the opportunity to have had the last word and to have declined is an inspiration to us all. Thank you very much.

(Standing ovation.)

ATTORNEY GENERAL RENO: Just being with you tonight, there's an enthusiasm and excitement, you make it easy for me to remember why this institution is enthusiastic and ideal. Don't ever lose your idealism. Thank you.