

ATTORNEY GENERAL JANET RENO ADDRESS TO THE U.S. ATTORNEY'S
CIVIL CHIEFS SEMINAR

Location: Stouffer Concourse Hotel, 2399 Jefferson Davis
Highway, Arlington, Va.

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The editor of the report is Steve Ginsburg. Tim Ahmann, Eric Beech, Melissa Bland, Will Dunham, Peter Ramjog and Paul Schomer assisted in editing this report.

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ATTORNEY GENERAL JANET RENO: Thank you so very much. This is a very sad time in light of this terrible tragedy, but we must move ahead and continue to address the issues of concern for the United States and for the people of the United States to see what we can do to improve the administration of justice throughout.

U.S. attorneys have taught me a lot over the years, and in the southern district of Florida, they have been to me partners.

I've never felt an adversary relationship with U.S. attorneys, and now that I am in effect one of you, I want to expand that partnership. I want there to be a real partnership between the Department of Justice in Washington and U.S. attorneys.

I don't want to tell U.S. attorneys what to do, and I don't want them to go off and do their own things. I want to have a team. I want to work together. There are so many things that we can do together using the U.S. attorneys' knowledge of local circumstances, local conditions, being on the line right out in front in the arena of justice, and then using the tremendous

expertise that I have found in main Justice.

I think one of the things that has been so gratifying to me is to come into a department that has such strength in terms of lawyers, such strength in terms of legal knowledge, in terms of ability, in terms of dedication, in terms of caring. And if we can link that strength with the strength of U.S. attorneys' offices throughout America in the best ways possible, it can only redound to the benefit of everybody concerned.

I know that there are a number of issues of concern to you: settlement authority and all the--a number of issues. I want to address those with you in a forthright way as soon as I can get the head of the--the assistant attorney general in charge of the legal division on board. I don't want to go do anything precipitously until I have the team in place, and hopefully that will be very shortly.

But I just want to work with you in every way possible, supporting you in every way I can. The law is very special to me. Lawyers are very important people to me. I want to see us develop a sense of pride throughout America in the Department of Justice. I want us to advocate to our very best abilities, I want to do it in the most professional way possible, I want everybody to feel when they walk into that courtroom and say that I will represent the United States of America, that they can do so with great pride. It's so good to be here, and I appreciate the opportunity.

(Applause)

I would really appreciate questions, and perhaps you shouldn't ask me questions because I won't have the answers. Perhaps the best thing to do is give me concerns so that I can really address those and start following up. I've received a number of good suggestions, but if you would just fire away with suggestions, concerns, thoughts, or observations, I'd appreciate it.

(Laughter)

Don't be bashful.

Q: We hear a lot about your desire to be more hands-on, to know the lawyers that are actually litigating the cases. What plans do you have to visit U.S. attorneys' offices, and will you entertain invitations to speak, to spend a day in an office, to kind of see what we're doing?

ATTORNEY GENERAL RENO: What I am going to try to do, because it is very frustrating to me as attorney general not to be able to return all my phone calls, not to respond whenever somebody has a question and try to follow up on all my correspondence, and most of all, not to know what a community feels day in and day out, to adopt a policy that whenever possible, if I go to give a speech in New York to the Bar Association, that I will visit the U.S. attorneys's office, both the southern district and the eastern district.

(Laughter)

Q: We're both here.

ATTORNEY GENERAL RENO: That I will try to go into the community, go to an elementary school, talk to police officers, talk about both prevention and enforcement, talk about civil issues, try to understand as much of the concern as possible.

Now, in these early days and particularly after the tragedy of yesterday, there are going to be time constraints and I may not do that to the extent that I would like to. But one of the first things that I explored--I've got to be in New York for a victims' candlelight ceremony I think this Sunday--was trying to see whether I would have time to stay over to start that process, and I would look forward to it.

Q: This question would come really more under the concern category. It has to do really--all of us here today obviously trying to head up the civil divisions, the civil components of the U.S. attorneys' offices. And obviously we're very concerned about to what effect the cuts will affect the civil divisions because, as you get into the statistics, I'm sure you'll see that while there's been a fair amount of growth in the department attorney-wise and staff-wise over the last five years, it's largely been in the criminal areas and not in the civil. So we find that we're operating pretty much at the same levels that we were operating at five years ago, and so the idea of absorbing budget cuts, we feel that this may have a disproportionate

effect on the civil enforcement aspects of the offices as opposed to the criminal, where they've had growth and can afford things.

I guess that would be by way of raising a concern and asking that the department take into account the disproportionality of the effect that budget cuts may have on civil operations versus criminal operations.

ATTORNEY GENERAL RENO: For the last three years in Dade County, we went through what we're beginning--or it seems that you're beginning to go through in terms of the federal government, and trying to make cuts that were fair, trying to consider past priorities. As I come into the Justice Department, what I want to do is to look at overall policy, to realize that the department has grown at an extraordinary rate over the last 12 or 15 years. And to make sure, first of all, that every dollar we spend is spent as effectively as possible, and that primarily it's spent as much as possible where it can make a difference on the line, and not in administration.

I once did a study--it was an informal study--of LEAA monies. And I decided that for every six dollars that left my tax paying pocket in Dade County to go to Washington to fund LEAA matters, that perhaps anywhere from one to three dollars eventually got back to the community, because there was a bureaucracy in Washington, a bureaucracy in Atlanta, a bureaucracy in Tallahassee. So that's one of the things that I want to try to do.

I want to make sure that federal dollars are spent as wisely as possible. I concerns me, for example, when I look at the way monies are spent, and I want to make sure that we account for those.

But as importantly, I want to look at policy. And I think there are a number of areas that are of concern. There is no doubt, and I spoke yesterday at the Third Circuit conference, there is no doubt that criminal cases have overwhelmed state courts and overwhelmed the federal courts.

We look at skyrocketing prison admissions, and I want to do what I can to make sure that we are in balance. I have an advantage now, in the sense that as a local prosecutor in Dade County I didn't have responsibility for the police and prisons. Now there is more of a system here.

And I want to make sure that in terms of federalization, of what is a state crime and what is a federal crime, we adopt a principled enunciation of what should be state, what should be federal, and that we try to develop guidelines. That with respect to charging decisions, we develop frank, open guidelines that are based on what's right. That's what's going to control everything I do. And hopefully in terms of managing the criminal caseload better, with appropriate dispositions, we will be able to free up or reallocate so that civil is impacted fairly.

That's a long-winded answer to your question, but that's where I ultimately want to get to, because I think that there has been--

and I think we should have concern with the amount of federalizing that's gone on, with some of the charging decisions, with what's being handled in criminal court, and I want to make sure that U.S. attorney's offices and federal courts handle the cases they should be handling.

Q: Let me echo a similar concern. Those of us who have practiced in the civil arena for a number of years know that there's a distinction between defensive cases and affirmative cases. The defensive caseloads are non-discretionary. We have to defend them, and yet we're being asked to spend more and more of our efforts pursuing affirmative litigation, where we can recover money for the government.

We're making every effort, I think, in our offices to do that, reallocating resources within U.S. attorney's offices to put more emphasis into affirmative litigation.

One of the difficulties that we've encountered--and I think this is not a problem unique to our district--is a relative dearth of investigative resources from the various law enforcement investigative agencies devoted to civil litigation-- particularly affirmative civil litigation. I'm concerned with the squeeze in personnel and money that will be put on the investigative agencies that they will concentrate on their criminal priorities at the expense of civil. And I hope we can get some leadership at the Department of Justice to coerce not only agencies within your control, like the FBI, but other

agencies like HHS-IG to continue devoting more resources to the civil affirmative litigation effort.

ATTORNEY GENERAL RENO: I'm very concerned about that, and having at one time engaged in civil litigation, and feeling bereft of investigators, I know exactly what the feeling is. What I'd like to do is to continue to support in every way possible the advisory committee and have that issue addressed through the advisory committee. What I'd like to try to do, too, is develop a close working relationship between at least the investigative agencies in the Department of Justice and the advisory committee so that we can develop a consensus based on mutual input from everybody concerned. I can assure you that if attempts are not made by the investigative agencies to allocate, what I think we should do then is show the recoveries that can occur in pursuit of affirmative litigation, and what can be done to protect against waste and other expenditures. And I'd like very much to work with you in that area.

If you have any specific proposals, I would welcome them, and would you call them to the attention of Donna Templeton.

And as soon as I get an assistant attorney general in charge of the Civil Division, would you sent it to him or her, too, please?

(Laughter.)

Thank you very much.

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