

WEEKLY PRESS CONFERENCE WITH ATTORNEY GENERAL JANET RENO AND DEPUTY ATTORNEY GENERAL PHILIP HEYMANN JUSTICE DEPARTMENT WASHINGTON, DC THURSDAY, JANUARY 27, 1994

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MR. HEYMANN: This morning I sent the following letter to the president of the United States. There are copies available, so you don't have to take it down.

"Dear Mr. President: The attorney general has concluded that our operational and management styles are too different for us to function fully effectively as a management team at the Department of Justice. That is a judgment I share. I am, therefore, submitting to you my resignation as deputy attorney general, effective upon the selection and availability of my successor.

"I am very honored to have had the opportunity to serve the department in this high office in your administration and in several other positions under Presidents Kennedy, Johnson and Carter, and to work with its many fine and dedicated career attorneys as well as the excellent appointees of the administration. I am proud of our accomplishments to date. I greatly appreciate the trust you have placed in me and hope for the continued success of your administration.

Sincerely, Philip Heymann."

ATTY GEN. RENO: Phil Heymann and I have worked together over these past months. I have known him first in 1978 and I have a profound respect and admiration for him as a lawyer and as one of the most distinguished public servants that I have known. He has served this nation valiantly in four administrations now, and in this past year he has made a major contribution to this department for which I will always be grateful.

People who have been in this department for a long time tell me that they have not seen such close coordination between federal law enforcement agencies, and Phil Heymann deserves much of the credit for that effort. He has been responsible for launching the anti-violence initiative in the department and focusing in an effective and appropriate way on the federal role in violence. This past week at the United States Attorneys Conference, we announced the violence initiative that Phil, I think, deserves much credit for. He has worked with other agencies, with the Department of Education, Labor, Health and Human Services and HUD in an interagency effort against violence that I think is unparalleled, and he has been responsible for the initiation of our cities project, where these departments come together in effectively developing both violence -- anti-violence law enforcement efforts and prevention efforts in various cities.

He's been responsible for supervising the development of employment anti-discrimination guidelines that really, I think, are terribly important for this department, and I think we all owe you a debt of gratitude for that extraordinary effort. He has been one of the people primarily responsible for developing an ethical review process that is open, that is coming quickly current, that is fair, and that will promote the highest ethical standards on the part of all in the Department of Justice.

One of the most important aspects that he has undertaken has been to bring the Office of Justice Programs into the Department of Justice as a full and effective team combining the litigation divisions with the grants divisions in a very effective manner.

I am deeply grateful for all that you have done, and on behalf of everyone in the department, I just appreciate everything that you have done to bring great people on board and to move this department forward.

Q So, what was the problem?

Q What was specifically the difference in management style that --

ATTY GEN. RENO: I think when you build a team, you've got to work together, and the chemistry just -- we just do it differently.

Q How so?

MR. HEYMANN: I think neither of us feel that it would be useful or helpful in any way to go further into that. I would say just exactly the same thing that the attorney general said. The chemistry wasn't right.

Q Is this a mutual decision or a firing?

MR. HEYMANN: It's a mutual --

ATTY GEN. RENO: I think it's a very mutual decision. We have talked -- these have been very thoughtful discussions that we have had, and we've talked together about it and about our dreams for the department, which I think we have common dreams for the department, and I think it is mutual and thoughtful.

Q What does the president say?

ATTY GEN. RENO: I have not talked to the president. I advised Mr. Nussbaum, and he, I understand, has advised the president.

Q Were you disturbed that a number of things that have been referred to the deputy's office were staying there for lengthy periods of time? Were you --

MR. HEYMANN: I doubt that. Like what?

Q (Laughing) Where's my list?

ATTY GEN. RENO: Here is what I have been so impressed with. The thoughtful review. I think one of the issues that we have grappled with together is the whole problem of contact with represented parties, which is a terribly complex issue. The office of the deputy attorney general has done a remarkable job and very careful review, talking with so many different people, opening up the process. The same has been true in terms of the office of professional

responsibility, and I think it has been a thoughtful, balanced review. MR. HEYMANN: I honestly don't think that things have stuck in the deputy's office. There is one study, the mandatory minimum study, which we have had, want to release in a way that will make sense in terms of the crime bill; but the Waco report, OPR, contacts with represented parties, congressional -- what the right relations are with congressional and White House, asset forfeitures is nearing completion. I don't think things have stuck in the deputy's office. I've seen three stories to that effect, but I don't think any of them are right.

Q Ms. Reno, what impression do you think this might give to the general public at a time when -- (inaudible) -- Defense has already left under clouded circumstances, then somebody who was appointed to that office, named, decided -- you know, pulled out? I mean, does it look like the administration is in a bit of disarray?

ATTY GEN. RENO: No, I think the American people understand real well what it's -- that it's necessary to build a team when you come together in a new administration, people get to know each other, work together, and I think the American people understand how one goes through the process of building a team in which people are compatible, in which their styles are the same, in which people are free to differ and disagree and discuss.

Q Mr. Heymann, are their philosophical differences that you can point to -- (inaudible)?

MR. HEYMANN: There's no significant philosophical difference and there's no precipitating episode, disagreement on some particular matter.

Q How long have you had discussions about possibly leaving? How long have the discussions gone on -- (inaudible)?

ATTY GEN. RENO: We have not really discussed about the possibility of leaving; we just discussed now for about six weeks our differences in styles and how we could work together and what we could do to better address the issues.

Q Have you already picked a successor?

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

Q Mr. Heymann, have you given any thought to what you'll be doing? Will you be hanging around Washington, or where will you go?

MR. HEYMANN: I will stay here as long as I feel that there's something useful to be done -- that's tough in lame duck status -- pending the arrival of a successor. I will be back teaching at Harvard over the summer and thereafter. It's an occupation that I like a lot. Q You said there was no precipitating event. Is there a difference between you in the Jonathan Pollard --

MR. HEYMANN: There's no case or policy that precipitates this.

Q Ms. Reno, could you explain how Mr. Heymann was chosen to begin with? Who recommended him, and what sort of interview process did you have to choose -- (off mike)?

ATTY GEN. RENO: I had, as I indicated previously, met him about 12 or 13 years ago on one case involving (AARP ?), and that was my first contact with him. There were various people who recommended him during the whole process, as

you will recall. There were other candidates, and we addressed each issue. I met with him. Others met with him.

Q Was there anybody in particular in the White House who recommended him?

ATTY GEN. RENO: I don't recall any specific person recommending him.

Q Do you want you next deputy attorney general to play a more active role in shaping crime legislation?

ATTY GEN. RENO: I think Mr. Heymann has played an extraordinarily active role, and I would expect the next person to do the same.

Q (I'm sorry ?), a clarification. I thought you said -- I thought it was Mr. Roth who recommended -- (inaudible due to background noise).

ATTY GEN. RENO: He was one of those.

(Cross talk.)

Q Sorry. You said you didn't recall any specific individuals.

ATTY GEN. RENO: I didn't recall until you mentioned Mr. Roth, but he was one of those that recommended him.

Q And that was after his prospects --

ATTY GEN. RENO: That's correct.

Q With all due respect, it's a little hard to believe that policy differences (and ?) substance didn't enter into this, that --

ATTY GEN. RENO: You all are just such skeptics --

Q -- (inaudible) -- disagree on certain things.

ATTY GEN. RENO: You all are just such skeptics that at some point you've just got to accept something.

MR. HEYMANN: It really is true. It's maybe hard to believe, but it is true. We don't have any great policy differences, there is no precipitating case or event. The fact of the matter is our chemistry isn't good, we don't work as well together as we should, and that's the conclusion we've both come to.

Q You mean --

Q There was no --

MR. HEYMANN: No.

Q It was not compatible. Mr. Heymann, have you had any contact with anyone at the White House concerning this specific action?

MR. HEYMANN: This morning about 15 minutes ago I called the president's counsel to tell him that the letter was on its way. That's the only --

Q (Off mike.)

MR. HEYMANN: That's the only -- it's the only contact I've had.

Q Is that as much notice as the White House had?

ATTY GEN. RENO: No. I called Mr. Nussbaum last night.

Q Last night? When was this --

MR. HEYMANN: His response was to say he was very sorry this was happening.

Q When you say that the chemistry was right -- (off mike) -- chemistry was not right, it sounds like -- you hear that normally -- (off mike) -- couples: "the chemistry was not right". But, in fact, aren't you -- (inaudible due to laughter) ?

MR. HEYMANN: Oh, you're tempting me to tease in a way that would certainly be inappropriate because it would be taken seriously by someone.

Q When the decision made? When was this reached?

MR. HEYMANN: I remember first raising it with the attorney general not in terms of my leaving, but in terms of the fact that we were having trouble working together well in early January, and we took it up again earlier this week -- Monday -- with the attorney general raising it earlier this week. Q How do you describe your different styles, your style versus the attorney general's style?

MR. HEYMANN: Again, I think both the attorney general and I think we'd be far wiser and it would be more useful not to go into that.

(Short audio break.)

ATTY GEN. RENO: Quickly.

Q Excuse me. You said that attorney general raised this week -- (inaudible). That suggests you're being fired.

MR. HEYMANN: It's --

ATTY GEN. RENO: That is not correct, because what -- I have a profound respect for Phil, and just said, "I don't think it's working; what do you think?" And I think we reached a mutual agreement, and it is -- I just have a great professional regard for him, and I want to make that absolutely clear.

MR. HEYMANN: About six seconds after the attorney general said she didn't think it was working, we were talking about how to unravel it in a way that would make sense for the department.

Q (Inaudible.)

MR. HEYMANN: I don't want to begin to go into the actual words. It wasn't anything very interesting.

Q Did you feel a sense of relief?

MR. HEYMANN: The problem with that type of question is that I'm so tempted to crack jokes that I'm going to be sorry about.

ATTY GEN. RENO: I think you can take it for what you see, and I don't think you all have to engage in your usual Washington skepticism. It's pretty much just what you see.

Q General, it's a taken a while to fill some of the top positions here at the Justice Department. What sort of speed do you have in mind in terms of filling this one?

ATTY GEN. RENO: As quickly as possible.

Q Which means you've given yourself some kind of a timetable? Are you going to begin --

ATTY GEN. RENO: As soon as --

Q -- reviewing people --

ATTY GEN. RENO: As soon as possible.

Q Is the search ongoing already?

ATTY GEN. RENO: It will be.

Q Do you have someone within the department, within the division -- (inaudible)?

ATTY GEN. RENO: I will consider all possibilities. Q Have any names been submitted to the bureau for background?

ATTY GEN. RENO: No.

Q Ms. Reno, there's another personal matter that's possibly personally more painful to you. Lula Rodriguez has submitted her resignation. Would you tell us how you feel about that?

ATTY GEN. RENO: Lula says that she has other opportunities. She has made a major contribution to this department in terms of setting up systems and procedures for the smooth operation of this office and we are indebted to her and will miss her.

Q Did you request her resignation --

ATTY GEN. RENO: No, I did not.

Q -- because of the situation in Hialeah?

ATTY GEN. RENO: No, I did not.

Q What are those other opportunities?

ATTY GEN. RENO: I don't know.

Q Were you satisfied with the way that Mr. Heymann handled the Waco report?

ATTY GEN. RENO: Yes, I was.

MR. HEYMANN: By the way, one of the things I'm particularly proud of is the recommendations for changes in hostage barricade situations. They were extensive. They have largely been carried out now. They're in practice, they're in effect. We have different training going on at Quantico. We have different -- we have 15 or so senior SACs being specially trained for hostage barricade situations. There's new forms of coordination among social scientists, or whatever they call them there, negotiators and rescue team. That's one of the things I like most having done.

Q Ms. Reno?

ATTY GEN. RENO: Are you -- do you want to ask other questions, because I don't want to have to keep him.

Q Do you foresee resolving the Pollard situation before --

STAFF: Well, are there any more questions regarding Phil? Let's finish that and then we can go on to the other things.

Q How much of a problem did the lack of chemistry cause in terms of getting work done that needed to be done?

ATTY GEN. RENO: I don't think it caused a -- I don't think any work went undone, I think it's just a matter of working together.

MR. HEYMANN: I gave Carl a list of a dozen things I that I'm proud of the Office of the Deputy Attorney General having done in about the last six months. They're not intended to be complete. But you can get those from Carl and then judge for yourself whether things are getting done or not done.

Q Will you be taking an active role in the crime legislation process?

MR. HEYMANN: We'll have to -- the attorney general and I are going to have to discuss that. It will be her decision, of course. But the whole question of what happens during the transition period is always a complicated and a difficult one.

Q Generally, were both of you pleased with the way the Justice Department interacted with Congress when the Senate bill was being completed?

ATTY GEN. RENO: I think we worked very well with Congress, and I think Phil was very important in that effort. Q Theoretically, you could continue in office until the spring or early summer then. I mean, there's no real -- you're not going to be gone tomorrow. There's a overlap here while --

MR. HEYMANN: I will --

Q -- the attorney general finds --

MR. HEYMANN: I won't stay longer than when a successor is available. Maybe that's obvious. And I will stay only as long as I and the attorney general

feel that I am performing a really useful service. Again, I won't sit around as lame duck.

Q Mr. Heymann, I have to ask an important question --

MR. HEYMANN: Don't do that. (Laughter.)

Q Did you have problems working for a woman?

MR. HEYMANN: No. I have no problems working with a woman.

ATTY GEN. RENO: I cannot -- that is an impertinent question for this man of all men, because nobody could have treated me with greater professional respect and regard and also with great warmth and understanding in some very difficult circumstances.

Q Was it just differences in personality?

MR. HEYMANN: Yeah, personality, chemistry. And it's now, I think, "other subjects." Thanks, Janet.

Q Ma'am, why was the investigation in Crown Heights a federal investigation? Why is it being limited just to -- (inaudible)?

ATTY GEN. RENO: I won't comment on the extent of the investigation.

Q Ma'am, could you say why you decided to intervene at this point and -- (inaudible)?

ATTY GEN. RENO: As a prosecutor in Miami, I often worked with the United States attorney, and it was very difficult when the United States -- to conduct an investigation when the United States attorney got involved. To have two investigations underway at the same time often caused problems. So I've tried to do everything I could to work with Mr. Heinz (sp) in an appropriate manner, permit him to conduct the investigation as he thought appropriate. He has now indicated that he would like for us to pursue it, and we will do so.

Q Were you pleased by the president's support of the "three strikes you're out"?

ATTY GEN. RENO: I have long said -- and have, in fact used a limited "three strikes you're out" in Miami. There are certain categories of violent offenders, three-time violent offenders within a certain period of time, who I think should be, as I have said many, many times since I came to this office, put away and kept away for the rest of their crime-producing life. And I think that this can be a very effective effort at that.

Q You said --

Q (Inaudible.)

ATTY GEN. RENO: Wait. We'll take one a time.

Q Can it really have that much impact or effect on the federal level? Don't the states have to follow through with similar --

ATTY GEN. RENO: I think we can do so much. What we did in Miami, for example, because of overcrowding in Florida's prisons, people would be prematurely released. We worked with the local police and the United States attorney's office and developed a career criminal program that identified the three-time armed robber, the three-time burglar armed robber, and focused on them. Sometimes when there were warrants outstanding or as they were arrested and knowing that we could get more substantial time in federal court, we worked with the United States attorney to transfer the case and sometimes the prosecutor with it to federal court so that we could get that substantial time. I think the reason it can make such an impact is that there are various estimates but clearly no one seriously disputes the fact that approximately 10 percent of the criminals commit as much as 40 percent of the crime, and when we get those people off the streets, I think we have a dramatic impact.

Q Do you support the Senate version, though?

ATTY GEN. RENO: We're working with all concerned to make sure that the Senate version considers reality. If you have somebody who committed a violent crime at 18 and then another violent at 35 and then at 65 gets arrested for something, we'll have to work it out, but I'm sure that we can fashion a strong, vigorous bill that can really focus on the true career criminal.

Q Ms. Reno, could you give us any indication -- I know it's a pending investigation, but could you give us an indication when you might be -- (inaudible) -- to a grand jury? (Inaudible)

ATTY GEN. RENO: We want to do it as thoroughly as possible, and other than that, I cannot comment.

Q Ms. Reno, can you comment on other specific provisions in the crime bill, such as -- (inaudible) -- U.S. attorneys to try 13- year olds -- (inaudible)?

ATTY GEN. RENO: Again, we're reviewing all of those with the various congressional staff to see what's the best and the most appropriate way to focus on 13-year olds, whether it's better through beefing up state programs for juveniles so that 13-year olds who commit violent crime know they're going to be punished through the boot camps provided for in the drug court. What is most important -- for example, in Miami my office was far more able to handle juveniles than the local United States attorney's office, and we want to do what's right, with the ultimate goal of making sure that young violent juveniles know there's going to be a punishment for their conduct, that the punishment is going to be fair and firm, but that there will be, after they finish that punishment, an opportunity to return to the community with the chance of getting off on the right foot.

Q I understand --

ATTY GEN. RENO: Mr. Williams? One question at a time, and then I'll come back to you if we have time.

Q Ms. Reno, you apparently have sent out the word that the federal government should no longer make surplus guns available for sale, that they should be melted down. Why is that?

ATTY GEN. RENO: I received a call from Mr. Johnson, the director of the General Services Administration, concerning waivers that he was being asked to

sign. I have more recently met with some mayors and discussed local policies. And I would urge local government to consider what many cities are doing now, and that is either melting down their guns or otherwise destroying them so that they do not return to circulation.

Q Could I ask you to come back to what you said about if a criminal is convicted at a young age, at middle age and then 65, you seem to be suggesting something. Are you suggesting that might be an exception to the three times and you're out? Could you spell that out?

ATTY GEN. RENO: I think what we've got to do is to focus on those criminals that are committing the violent crime in their true crime-producing years and understand that we -- the person I want to focus on is the fellow that I would see in Dade County upon occasion, the one who committed an armed robbery at 18 and went to prison, got out, committed another armed robbery at 24, went to prison, and got out, committed another armed robbery at 29. I think those people need to be off the streets.

Q Does the Justice Department have a policy or a practice that you know of, or do you have a policy regarding the timing of an indictment of a candidate for public office and election? In other words, would you sit on an otherwise ready to go indictment --

ATTY GEN. RENO: I don't have a policy and I don't know of a policy of the Department of Justice. I think it should be done not based on who the person is but based on the evidence and the law.

Q Can you tell us anything about the developments in the Tonya Harding case? There's a report out, as you know, that the ex-husband is willing to make a deal involving implicating her.

ATTY GEN. RENO: No, I cannot make any comment.

Q You've talked about violence against women in the past. Could you tell us what kind of specific things you've initiated so far, and looking ahead, what kind of things you'd like to see done about that?

ATTY GEN. RENO: In specific, in terms of violence against women, we're reviewing the legislation. But more importantly, what I have talked with our Office of Justice Programs about is what the federal government can do and what the Department of Justice can do in conveying information throughout the country on the whole issue of domestic violence particularly, and then what can be done to enhance prosecutions, particularly in the area of sexual assaults -- the need for expertise, for exchanging information.

Q What about in terms of --

Q Attorney General?

Q I'm sorry, let me just follow up on that. In terms of domestic violence?

ATTY GEN. RENO: As some of you have heard me say, when I first took office as a prosecutor in Dade County, I did a study of people who had been killed in Dade County. We went to the medical examiner's office, reviewed the records, found that 40 percent of the people killed in Dade County in approximately a 20-year period were -- those homicides were somehow related to

domestic violence, either husband-wife, boyfriend-girlfriend, ex-husband-ex-wife. We then developed through an LEA grant, ironically, a domestic intervention program that was at the time ranked the best in the country.

The county continued that after the grant funds ran out, and that program is still in effect. But now it has matured into a domestic violence court with prosecutors, judges, and others who have been trained and who are sensitive to the issues of domestic violence. We expanded working opportunities with local hospitals in continuing education programs for their physicians showing how domestic violence is a public health problem as well as a criminal justice problem and trying to highlight and focus attention on this whole issue. As I told the Senate Judiciary Committee, I feel very strongly about it because the child who watches his father beat his mother comes to accept violence as a way of life. And if we're going to do something about violence in America, we have got to start in the home.

In community policing initiatives that I have seen both in Miami and around the country, they often tell me that one of their major problems in that neighborhood, in that community is responding to family and domestic violence.

Q Can I come back to "three strikes and you're out"? How do you define -- (off mike) -- is it only if the third time is committed on federal property, or could it -- (off mike) ?

ATTY GEN. RENO: I think those are the issues that we have to look at and perfect the bill so that it is -- has a principled federal basis and that we can use it effectively to remove those career criminals from the streets.

Q Carl said earlier this week that this Justice Department would not use the criminal or civil provisions of the RICO to prosecute anti-abortion violence. Has RICO been turned into a 900-pound gorilla that -- (laughter) -- that --

ATTY GEN. RENO: You can go have a press conference with Carl. (Laughs.)

Q -- that is -- would -- could possibly be a political weapon for future administrations?

ATTY GEN. RENO: One of the things that I have tried to do both in my practice as a prosecutor in Miami and since then is to make sure that RICO is used appropriately and effectively, and we will certainly continue to do that. We have been -- as you know, I have testified in support of the clinic access bill, and I think that will provide some significant remedies. We are proceeding on other fronts now, and we will do what's right. I am trying with all power at my disposal to keep politics out of the judicial process.

Q Ms. Reno, do you -- (off mike) -- in particular an amendment in the Senate crime bill that needs modification or elimination?

ATTY GEN. RENO: We'll be preparing a full report on it, and we're just trying to make sure that we do it as thoroughly as possible now.

Q How would you characterize the handling of the -- (off mike) ?

ATTY GEN. RENO: I would not -- I could not characterize the handling by law enforcement agencies. That would be commenting on the whole case, and I don't really want to comment on the pending matter.

Q When are you going to make a determination on the Pollard case?

Q (Off mike.)

ATTY GEN. RENO: I don't know when we're going to make the recommendation on the Pollard case. Again, one of the points people keep making -- submitting various thoughts and proposals, and I just want to make sure that I do it after as thorough a review as possible. Q Will Phil still be in charge of that?

ATTY GEN. RENO: He and I have -- as I've indicated to you, the deputy's office has traditionally, as I understand it, just from a matter of tradition as opposed to law, been responsible for making the recommendations with respect to clemency, and he will continue to do that. In that particular case, the president asked for our recommendation, and so I will join him in making a recommendation to the president.

Q Ms. Reno, (a paramedic ?) -- (inaudible) -- was quoted as saying that as he came across the body of Vince Foster, Mr. Foster, there were several (things ?) that were not, in his mind, consistent with suicide -- (inaudible). To your knowledge, had he been -- (inaudible)?

ATTY GEN. RENO: I think that all those matters should be discussed first with the independent counsel to make sure that we don't do anything that would be inappropriate, but I have heard absolutely no information at all that would indicate that it is anything but a suicide.

Q Ms. Reno, has the department taken any action on the situation in -- (inaudible) -- Mississippi?

ATTY GEN. RENO: As I've indicated previously, the community relations service and the civil rights division are reviewing that matter to determine what would be appropriate.

Q (Inaudible.)

ATTY GEN. RENO: No, I don't have any time line for investigations and what is appropriate because we never know what law or otherwise will dictate.

Q Commerce Secretary Ron Brown continues to complain that he's under a cloud as this investigation has proceeded for so many months. Do you have any views of whether that is fair to him or just or whether it's unavoidable or what?

ATTY GEN. RENO: Again, I think that what we do is based on the evidence and the law, and that's the way I'm going to do things.

Q When it's over, when the Justice Department investigation is finished, will somebody say something to say that it's over and nothing was found or something was found?

ATTY GEN. RENO: I would comment on the disposition of it.

STAFF: We have time for about one more question; then the attorney general has to go give a speech.

Q Should Congress amend the criminal provisions of RICO in light of NOW vs. Sheedor (ph)?

ATTY GEN. RENO: We will review that to see.

Q Okay.

ATTY GEN. RENO: Thank you.

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