



PRESS CONFERENCE

ATTORNEY GENERAL JANET RENO

Thursday, December 4, 1997

Transcribed from the audio recording for:

THE UNITED STATES DEPARTMENT OF JUSTICE

Washington, D.C.

PRESS CONFERENCE

(9:30 a.m.)

QUESTION: Ms. Reno, is there still an investigation underway inside the Department of the phone calls themselves as was suggested in the Washington Post this morning, or is that avenue of exploration completely shut down?

ATTORNEY GENERAL RENO: I didn't see the Washington Post article this morning, so I don't know the specifics to which you refer, but what I have said is that at this point there is no basis for asking for an independent counsel.

We will continue to pursue any lead, and if any evidence develops of specific and credible evidence that would indicate that the independent counsel statute should be triggered, we would do so, but we do not have that now.

QUESTION: Ms. Reno, do you have any second thoughts about narrowing the focus of the investigation just to the phone calls by President Clinton and

President Gore? Do you have any second thoughts about why the investigation should not have been wider than that?

ATTORNEY GENERAL RENO: I think -- I don't have any second thoughts, because I think you misconstrue what we're trying to do.

We had to make a determination as to whether we should ask for an independent counsel with respect to the -- any violation of section 607, and we have indicated that in the notification that we have filed with the court, that there is no basis for doing so.

At the same time, we are conducting investigations on a wide range of issues and, as I made clear on Tuesday, we are not foreclosing those issues, so those that say we are focused too narrowly I think misconceive the broad scope of the investigation, the fact that it is continuing, and the fact that if any evidence develops that is specific and credible that refers to a covered person or otherwise triggers the statute, we will do so.

QUESTION: What is the current emphasis, or is there a current emphasis of what you call the vigorous investigation at the present time?

ATTORNEY GENERAL RENO: You know I'm not going to tell you what I'm investigating.

QUESTION: What is the effect under the law? When you do the 30-day, and then the 90-day, and then conclude that there's no specific and credible evidence, does that mean that the -- what does that foreclose? Does that mean that you can't look at that issue any more, or how does that work?

ATTORNEY GENERAL RENO: You can look at a transaction, but you cannot pursue an investigation of a covered person.

If evidence develops in the course of our investigation that would provide specific and credible information concerning a covered person, we can always trigger the statute.

QUESTION: But I guess, having done this investigation now of section 607, are you no longer permitted to look at any issues relating to 607 any more? Can you -- are the phone calls now off-limits? Can you reopen it only if additional evidence comes over the transom? What does it foreclose?

ATTORNEY GENERAL RENO: Well, I don't know what you mean by evidence

coming over the transom.

If any -- as we pursue any matter in the course of this investigation, if there is any evidence developed that we do not have of a violation of 607, we can pursue that. If it triggers the independent counsel statute and the 30 days, or -- I mean -- or the preliminary investigation, if we can -- if this new evidence triggers it, we can pursue that.

QUESTION: So practically speaking it doesn't really foreclose or shut down anything.

ATTORNEY GENERAL RENO: That's what I'm trying to explain.

I mean, it forecloses at this point pursuing an investigation on the information that we have, but in terms of transactions, in terms of what we can do for the future, we can continue to dig and to probe, and if there is evidence developed that is specific and credible concerning a covered person, we can trigger the statute.

QUESTION: Ms. Reno, can you lay out for us the foundational grounds for the disagreement between yourself and Director Freeh?

ATTORNEY GENERAL RENO: As I indicated previously, I think it -- I don't think you should talk about the discussions you have with the people you rely on for advice.

I have the greatest confidence in Director Freeh. I regularly consult him for advice. I find him one of the most valued people I have dealt with in Washington.

I've seen what he's done in terms of the Montana freemen, in terms of investigations involving the OK bomb case in terms of developing an FBI prepared for the next century, and I'm a great admirer.

But what is important is, when I have people around this table, or when I have people in my office, you get some of the most spirited discussions imaginable. They oftentimes disagree, and I want people to be able to speak out frankly and openly to me.

I don't want yes people around me, and I want to hear from them, and if I start talking to people about what people recommended to me or what their thoughts were, it's going to have a chilling effect, and I don't want that around me.

QUESTION: Ms. Reno, speaking of spirited discussions, Congressman Burton has indicated that he would like you to come to Capitol Hill next week to explain in some detail the reasoning behind the decisions that you announced on Tuesday, and he would also like the FBI Director to come.

Do you plan to testify on Capitol Hill next week, and do you know if the Director does?

ATTORNEY GENERAL RENO: I'm -- as I've always said, I very much appreciate and respect the oversight function of Congress, and want very much to be there. I expect that I will. I am hopeful that I can work out with the committee a previous commitment that I have.

We have a meeting of the -- what was formerly known as G-7 and has now become the eight, the major industrialized nations and their ministers of justice, who are coming to Washington for a meeting, and I have meetings scheduled with a number of those ministers Tuesday afternoon, so I hope that we can work with the committee in developing a schedule that will respect the oversight function and permit me to honor these commitments.

QUESTION: Are you willing to go up in the morning?

QUESTION: (Inaudible) you gave a few minutes ago with Director Freeh and your confidence in him. Were you at all disturbed or concerned that the White House didn't do the same thing, that Mr. McCurry stopped well short of expressing any presidential confidence in the FBI Director?

ATTORNEY GENERAL RENO: I'm not clear on what Mr. McCurry has said. All I can say is what I feel very strongly.

QUESTION: So you didn't have any discussions concerning his comments?

ATTORNEY GENERAL RENO: No, I haven't.

QUESTION: Ms. Reno, you said that you did not find any evidence, any aggravating circumstance like coercion that would have triggered prosecution under the Pendleton Act because of the Vice President's calls, yet there was a donor who told the Washington Post that he felt pressured, pressured by the phone call, and subsequently gave \$100,000. Did you not find anybody who fit that profile?

ATTORNEY GENERAL RENO: Again, we have presented all the evidence that is

specific and credible in our notification, and I think it speaks for itself.

QUESTION: (Inaudible) investigation was not thorough enough?

ATTORNEY GENERAL RENO: Excuse me?

QUESTION: I'm sorry. At different times here you said that some of the law, particularly involving campaign functions, is unclear or complex, and that it's not always obvious what constitutes a criminal violation.

Could you tell us where you are in resolving those questions and what process you're using to determine what constitutes criminal violations in areas of campaign law where there's no previous prosecution?

ATTORNEY GENERAL RENO: We are in the process, again, of, as I have indicated previously, of trying to pursue the allegations that had been raised. I am in discussions, reading memoranda, looking at how we best should proceed, consulting with the people, including Director Freeh and the lawyers in the task force.

I want to make sure that we take into account every consideration. I can't tell you what direction I'm going in, but I can tell you that process.

QUESTION: Are you looking at -- is this a process, then, of looking at specific facts and then holding them up against the law, or are you looking at the law broadly on questions like coordination and trying to reach a broad abstract decision of what might constitute a criminal violation as opposed to a factual --

ATTORNEY GENERAL RENO: What I am trying to do is to avoid abstract concepts, because in determining whether somebody should be prosecuted who is not a covered person, or in determining whether the independent counsel statute is triggered, it is inappropriate, I think, to deal in concepts and abstracts, abstract theories.

I think it is important that you look at the evidence and the law, but what we're trying to do is to make sure that we look at the evidence and the law in the broadest possible fashion to make sure that we leave no stone unturned, and we will continue to do that.

I continue to hear from people, I continue to get different thoughts on how we should proceed based on the evidence as it develops, and we are going to do continue to review this in the careful, thorough way that I think has been done to

date.

QUESTION: Ms. Reno, do you consider the conspiracy theory, then, the notion of pursuing this matter as a conspiracy to violate campaign laws, essentially an abstract concept?

ATTORNEY GENERAL RENO: What I need to do is to look at specific allegations of specific violations of the law.

A conspiracy has to be a conspiracy to violate specific laws, and we need to take the evidence that we develop and look at it and see where it takes us, and we're going to continue to do that.

QUESTION: Is that approach that you just outlined any different than would be used in any other conspiracy, or any other Federal prosecution, or is it -- do you believe it in this case has to be extra rigorous?

ATTORNEY GENERAL RENO: I think obviously in this case the American people expect me to be rigorous, to be careful, to be thorough, and I'm going to try my best to meet their expectations.

But one of the things that is important to note is -- you asked the question, is this the way you conduct a usual investigation. There is no such thing, I think, as a usual investigation, and there may be situations where you come at something one way or as -- as another, but what we're trying to do is work together, develop investigative plans, hear people out when there's disagreement, and move forward in the most effective manner possible.

QUESTION: (Inaudible) since announcing your decision?

ATTORNEY GENERAL RENO: No, I haven't.

QUESTION: No, you haven't?

QUESTION: Ms. Reno -- could I get a question in here, please?

ATTORNEY GENERAL RENO: You sure can.

QUESTION: Thank you.

Ms. Reno, given the evidence produced by the preliminary investigations, do you

believe you have the authority under the law as it's written -- or did you believe you had the authority under the law as it's written to seek an independent counsel?

In other words, did you have wiggle room to go one way or the other?

ATTORNEY GENERAL RENO: When you have wiggle room -- I'm not quite sure what that means, but what I have tried to do is to say, what does the law dictate in this situation, and I've tried to follow what I understand the law to be. I don't think I had the authority to go the other way.

QUESTION: You said you're still receiving different views, and you're still trying to develop an investigative plan. Is your strategy in flux now?

ATTORNEY GENERAL RENO: No. It is a -- as I have indicated all along, as we develop new evidence, as we develop -- for example, somebody may have a new idea about the law. I'm trying not to foreclose and put blinders on when people write about new suggestions or new ways that the law can be construed. I want to make sure that I consider everything, that I move carefully, thoroughly, and appropriately in considering how we proceed.

No investigation remains static. It is always in a state of flux, and we want to move this forward as promptly as possible, consistent with doing it thoroughly.

QUESTION: Ms. Reno, (inaudible) that you have a conflict of interest as was argued to you, why do you reject the notion that the conflict of interest would require you to seek the independent counsel?

ATTORNEY GENERAL RENO: Under the independent counsel statute, the statute presumes that there is a conflict between the President, for example, and the Attorney General if the Attorney General were investigating the President, but the act specifically provides that before you trigger something you've got to make sure that you have specific and credible information that a covered person may have violated the law. I'm trying to follow the independent counsel statute as it has been framed by Congress.

If you had a lower threshold, then any time somebody said boo about a covered person you'd trigger the independent counsel statute. Congress has provided for a threshold and has presumed a conflict when that threshold is met.

QUESTION: Is it your understanding, then, that -- some people in Congress say that the decision about whether there is specific and credible evidence ought to

be made outside the Justice Department, but is what -- your understanding of the law is that you don't have the authority to pitch it to an independent counsel until you make that decision of specific and credible evidence. No one else can make that.

ATTORNEY GENERAL RENO: That's as I understand the law.

You had a question. Go ahead.

QUESTION: Thank you very much. Yes, ma'am. It's the issue of the House's -- of Justice, the Department of Justice divided, the Congress divided because of foul play by the Republicans.

What do you say to those that -- how you -- your critics, or critics of this matter say that the interests of foul play -- excuse me, the interests of fair play are not being served by your decision?

ATTORNEY GENERAL RENO: What I have said is that I try not to listen to the politics. I try to listen to people who have ideas, ideas that cover a whole range of positions with respect to how we should proceed. I try to listen to them, I try to read, and then I try to do one thing -- what's right.

As I've said before, Harry Truman said, doing the right thing is easy. Knowing what's the right thing to do is much more difficult, and in this process I have tried to listen, to read, to understand, to apply the law, to make sure I understand the evidence, and that's what I know that I've tried to do, and those that say otherwise haven't been with me every step of the way of these last several weeks.

QUESTION: Ms. Reno, aside from what the FBI and Director Freeh recommended, were any of your advisors within the Justice Department in favor of seeking an independent counsel?

ATTORNEY GENERAL RENO: As I've indicated previously, I don't think I should talk about what my advisors say, otherwise they're going to clam up and say -- next thing I know, Bev Lumpkin's going to be asking me about what I said or did, and that's not the kind of chilling effect that I want on what people are going to be telling me.

I can tell you that I have gotten a whole range of ideas, suggestions, positions, thoughts, as we have pursued them. We continue to pursue them, we answer some, new ones develop, and we have tried to pursue it as thoughtfully as possible, listening to everybody.

QUESTION: General Reno, since you made your decision based on the narrow criterion of telephone calls only, if the Justice Department were to develop specific and credible evidence relating to the coffees, White House perks, foreign money, or soft money, are you precluded from seeking an independent counsel on covered persons, in this case specifically the President or Vice President?

ATTORNEY GENERAL RENO: If I develop specific and credible information concerning any aspect of this investigation, if it involves a covered person, or if it otherwise triggers the statute, then I must ask for an independent counsel.

QUESTION: There's no double jeopardy in any way?

ATTORNEY GENERAL RENO: There's no double jeopardy in terms of the development of new information.

QUESTION: Ms. Reno, isn't there a basic misunderstanding of the independent counsel law?

(Laughter.)

QUESTION: I know you've said this repeatedly.

As I understand it, the appearance of conflict of interest can kick in the 90-day prelim, but only specific and credible evidence against a covered person can kick -- can reach the threshold of you seeking an independent counsel.

ATTORNEY GENERAL RENO: The statute provides that with respect to covered persons, and then there's provision otherwise, that if you receive information you've got 90 days to determine whether it is specific and credible, and that it -- that it may show a violation of Federal law.

I have got to pursue that unless I have a -- and I've got to certify with respect to a conflict in that situation, and that's provided for in the statute, but the statute presumes it.

Even if I said I didn't have a conflict with the President because he appointed me, I would still, if I developed the specific and credible information that he or another covered person may have violated the law, then I've got to trigger the statute.

QUESTION: Under the statute, even an allegation or the appearance of a conflict

of interest is never going to kick in an independent counsel, only the credible specific evidence.

ATTORNEY GENERAL RENO: Specific and credible information concerning a covered person, or if I have specific and credible information concerning a person who may not be covered but the investigation would cause a conflict.

And this is not a matter of misunderstanding. I think some people disagree with me, but as I read the legislative history of the independent counsel statute, in the noncovered-person area I don't think that they are talking about an apparent conflict. I think they are talking about conflict.

But I think others, such as Senator Hatch, disagree on that issue. Again, I call it like I see it to the best of my ability.

QUESTION: Ms. Reno, do you have any regrets about saying publicly a couple of months back that you would give Director Freeh the ability to veto any decision or to close any avenues of investigation and then, when he did oppose your decision, you were in the position of having to overrule him? Didn't that paint you into a corner?

ATTORNEY GENERAL RENO: No, I don't think so, because I have tried to make clear from the beginning that the legal decisions are mine, and I think Director Freeh agrees with me on that.

With respect to investigations, I think -- I want to make sure that I have listened to him and that we pursue every lead, and we're going to continue to do so.

QUESTION: After the hullabaloo over Director Freeh's disagreement, how would you characterize your professional working relationship with Director Freeh now?

ATTORNEY GENERAL RENO: You all create the hullabaloo. He and I are continuing on. We have -- I just -- he is a pleasure to work with. He is a professional, he is dedicated, he is honest, he wants to do the best job possible, and I just feel very comfortable in my working relationship with him, and would not feel comfortable if I didn't know that I wasn't going to get his best, most honest advice.

QUESTION: You mentioned the upcoming meeting of industrialized nations' interior ministers and justice ministers. Would you please say what the U.S. is going to achieve? What are the purposes for the United States, and are you going to meet with the Russian general prosecutor, and what are you going to discuss

with him?

ATTORNEY GENERAL RENO: I don't know just what -- who will be here in terms of the Russian representative, but just so people know, this is the first meeting of my counterparts from the nations that make up what is known as the eight.

Originally it was the G-7. It was the seven large industrial nations, and then Russia has joined it. You have the United Kingdom, France, Germany, Italy, Russia, Canada, and Japan.

At this meeting, we will be discussing ways in which our countries can work together to better identify and locate cyber criminals.

Automation, computers, the Internet have now made boundaries in many instances meaningless. As I have said on a number of occasions at this table, a man can sit at a computer in Europe and steal from a bank in the United States. Someone in Germany can get a list of credit card numbers here and try to extort people for money on the threat of using these credit cards.

I think it is imperative that we develop practices, procedures, and laws that will enable these countries and, indeed, other countries throughout the world to work together to focus on criminals who are exploiting the new technologies that so many of us are relying on.

The solution is working together as nations. Our law enforcement agencies must learn to work together more closely on these issues, and more quickly than ever before, since a split-second response can help catch a hacker while he is still on line.

The fight against lawlessness on the Internet will be one of the greatest law enforcement challenges of the next century. By working on agreements to help meet that challenge, we won't be left fighting 21st Century threats with 20th Century solutions.

I think it is going to be incumbent upon us all to develop the expertise on the part of law enforcement both at the Federal and State level to make sure that we know who our counterparts are around the world, and that we come together on this issue. That is why this meeting that will begin on Tuesday afternoon and go through Wednesday will be very important to this effort.

QUESTION: With regard to the independent counsel discussion, did you in fact allow -- did Director Freeh in fact sign off on the avenue of investigation?

You made the legal decisions, but you have said he was going to have the ability to sign off on closing -- ATTORNEY GENERAL RENO: He raised a number of questions, and I've tried to pursue those.

QUESTION: (Inaudible) Republicans that cites Director Freeh's opposition on this deal, what do you think of those efforts to use the FBI Director to attack you and President Clinton?

ATTORNEY GENERAL RENO: I don't think Director Freeh is letting himself be used to attack me or President Clinton, and I think he will resist any effort, if any effort is indeed underway, and I would trust that it was not, to politicize the FBI. That's the last thing that any of us want.

QUESTION: In addition to Mr. McCurry, several White House aides are talking all over town about what a lousy job Director Freeh is doing. They really would like to see him leave. What's your reaction to that?

ATTORNEY GENERAL RENO: I have sometimes heard in the past about people in the White House saying things about me, and I generally ignore it unless they're willing to say it to my face.

QUESTION: General Reno, with all of the controversy and heat surrounding this independent counsel decision, are there any considerations, including your health, which might make it less than likely that you would serve to the end of this administration?

ATTORNEY GENERAL RENO: My health seems fine, even after my fainting in Mexico, which is certainly not what I had anticipated, but I then came home for Thanksgiving, had a good time, and I feel good.

I don't know any reason of my health that would prevent me from serving. It's something that I would always review, but have no information that would indicate that now, and otherwise, we shall see.

QUESTION: Do you know the cause of that fainting in Mexico City? Was it altitude-related, or do you know?

ATTORNEY GENERAL RENO: I don't know. I'm going to the doctor tomorrow morning. I'm going to have some time to talk to them, but the Mexican physicians were just wonderful, and after each test they took they said, you're fine there, you're fine there, you're fine there, so it was probably altitude.

QUESTION: Are you aware of the allegations of false testimony in the Camarena killing?

ATTORNEY GENERAL RENO: I am aware of the general issues involved.

QUESTION: Have you done anything about it?

ATTORNEY GENERAL RENO: I have asked that the Office of Professional Responsibility review it and make a determination as to what should be done. I have not gotten a response.

QUESTION: Ms. Reno, is there any movement at all towards filling the position of Assistant Attorney General for the Criminal Division?

ATTORNEY GENERAL RENO: I hope we'll be able to move on that soon.

QUESTION: Is it possible that Marshall Jarrett will get the nod? He's sitting there in that office now.

ATTORNEY GENERAL RENO: Again, I hope we can make an announcement soon.

QUESTION: Is he Acting Assistant Attorney General now?

ATTORNEY GENERAL RENO: No. He is working with Mr. Keeney, who is the Acting Assistant Attorney General.

QUESTION: Ms. Reno, you haven't triggered the independent counsel statute on anyone else other than Secretary Babbitt in the last 90 days, have you? You don't have any other independent counsel review, other than Secretary Babbitt, underway, do you?

ATTORNEY GENERAL RENO: You mean the preliminary investigation? That's correct.

QUESTION: Or 30-day reviews, or anything else?

ATTORNEY GENERAL RENO: I don't know what you mean by the 30-day review, but otherwise I can't comment.

QUESTION: After winning conviction this week in court of the former chief of staff or former Secretary Espy, the independent counsel, Mr. Smaltz, was fairly critical

of the Justice Department for first not pushing for the prosecution themselves and secondly for fighting his authority to pursue that prosecution. He said that the Justice Department had delayed and complicated the prosecution.

Do you have any response to that, and also, has your experience with the existing independent counsels colored your view of the statute?

ATTORNEY GENERAL RENO: With respect to the one issue, I don't know of any unwillingness on the part of the Department of Justice to pursue that matter.

In fact, I think what we were trying to say is we don't think it would trigger the independent counsel statute, but we will work with you, and if anything develops in the course of the investigation that would, we will do so. He chose to go the other way.

But I think it's again an example of, we have gotten to apply the statute. We certainly would not do anything to interfere with an investigation, and if the statute is not triggered, we would certainly work with an independent counsel, as we have done on occasion, to make sure that nothing is done to impede their investigation.

QUESTION: Does this kind of criticism from an existing independent counsel -- does that bother you, or does it affect the way you look at the statute at all?

ATTORNEY GENERAL RENO: No. I take the statement -- by now, criticism shouldn't bother me.

I think it's important to look at whatever criticism comes my way. If there's a basis for saying, hey, they may be right, let's look at it and see what we can do better, I try to do that. But in terms of criticism bothering me --

QUESTION: On the Gore inquiry, did you interview all of the donors that he supposedly called?

ATTORNEY GENERAL RENO: Who are you -- which one are you talking about?

QUESTION: The preliminary inquiry about Vice President Gore's phone calls.

ATTORNEY GENERAL RENO: I think the notification speaks for itself.

QUESTION: (Inaudible), actually.

ATTORNEY GENERAL RENO: Well, if you have any questions, take a look at it and let Bert know what specifically you have.

QUESTION: Does it make you at all uncomfortable that Congressman Burton is telling you to come up and testify before his committee when in fact you're apparently investigating him?

ATTORNEY GENERAL RENO: No.

Thank you.

(Whereupon, at 10:00 a.m., the press conference ended.)