



## **UNITED STATES DEPARTMENT OF JUSTICE**

### **Press Conference**

### **THE HONORABLE JANET RENO, ATTORNEY GENERAL**

Thursday, January 8, 1998

9:30 a.m.

#### **P R O C E E D I N G S**

(9:30 a.m.)

ATTORNEY GENERAL RENO: Happy New Year. Good morning.

I hope everybody had good holidays, and I hope you have a wonderful new year.

Today the FBI is releasing statistics on hate crimes in 1996, gathered from law enforcement agencies across the country. This year, a record number of agencies, representing 84 percent of the Nation's population, have provided information to the FBI on hate crimes. The statistics reveal more than 5,000 hate crimes based on race, more than 1,400 based on religion, and more than 1,000

based on sexual orientation.

These statistics show what we long believed is true: hate crimes have long gone under-reported, and we need surveys like this to understand the depth of the problem.

Last year, President Clinton brought together law enforcement experts, community leaders and hate crime victims to highlight the need for every American to get involved in eradicating the cycle of prejudice and violence.

To follow up, I asked all 93 U.S. Attorneys to appoint hate crime coordinators and form local working groups to focus on what must be done to combat hate crimes. I am asking those coordinators to come to Washington on February the 18th, for a conference, to map out strategies, and for them to bring their communities together to fight hate crimes.

As I travel across this country, I see more anti-bias training and conflict resolution programs than ever before in our schools, in our communities, and I see them working. The Justice Department and the Department of Education will soon distribute a hate crimes prevention manual to help teachers get young people to understand that they should celebrate their differences and not fight over them.

But we want to do more. The Justice Department has jurisdiction over Federal hate crimes based upon race, color, religion, and national origin. But the Federal hate crimes statutes do not permit us to investigate or prosecute most offenses motivated by a victim's disability, their gender or their sexual orientation. That is why President Clinton and I have urged Congress to enact the hate crimes legislation cosponsored by Senators Kennedy and Specter in the Senate and Congressman Schumer and McCollum in the House. I have asked Bill Lann Lee to work as hard as he can to help pass this legislation in Congress. And we will all be engaged to that effort.

Violent crime has dropped for 5 years in a row. But we are just beginning to grasp the problem of hate crimes and how best to fight back. And we are not going to let up.

QUESTION: Ms. Reno, I know you can't look at the statistics and say it's rising or falling, but do you have a sense of whether hate crime is becoming more prevalent over the last 4 or 5 years?

ATTORNEY GENERAL RENO: I do not think we can say that. Because just to give

you figures, as I indicated, I think the problem has been the under-reporting of it. In 1995, 9,600 agencies across the country reported; in 1996, 11,354 reported. Which is a greater increase than the incidents.

I think this gives us a measure of what the problem is. And I think it is imperative that we focus, together in communities across this country, a partnership between the Federal and State officials to make sure that we take effective action and hold people accountable for this type of crime.

QUESTION: Do you have any sense of how many of these crimes are cleared by arrest or are solved? What do we know about who is committing these and what is happening to them?

ATTORNEY GENERAL RENO: We have convicted more than 500 defendants since 1989 for Federal hate crimes, but the vast majority are prosecuted at the State level. We do not want to take the crime if there is an appropriate State statute that can secure an appropriate penalty. So we do not have the figures that reflect both Federal and State efforts.

QUESTION: Ms. Reno, is it a real possibility that hate crimes might be declining at the same -- roughly the same rate as violent crime and other crimes?

ATTORNEY GENERAL RENO: I would surely hope so. I want to make sure that it is.

QUESTION: Ms. Reno, could you break down, of the 8,700 crimes reported in 1996, could you give us some idea of the breakdown? How many were race based or that sort of thing?

ATTORNEY GENERAL RENO: 5,000 were based on race. More than 1,400 were based on religion. And more than 1,000 were based on sexual orientation.

QUESTION: Ms. Reno, do you think that the current level reporting back, do you consider that a baseline? Or do you think there is more that needs to be done in terms of accurate reporting of the crime?

ATTORNEY GENERAL RENO: I think when we are now reporting on 84 percent of the population, and we have seen the significant increase in the number of agencies reporting, that we are coming to a place where we can say that this is a good baseline from which to judge. But we need to try to make sure that the 16 percent of the population is also included. And we need to look at where that is to see if it is an area that might be affected or not affected by hate crimes.

QUESTION: Ms. Reno, what would be the practical effects of the legislation that you mentioned, expanding the definitions of Federal hate crimes? How would you --

ATTORNEY GENERAL RENO: As I indicated, there are really two factors. One, you have the present law. But that does not include hate crimes based on disability, based on gender or based on sexual orientation. And so the new legislation would include those three elements.

In addition, for the Federal law to apply now, the hate crime must have been committed in connection with some federally protected activity. And that gets into a very arbitrary and limited definition at times. And this legislation would provide authority for the Federal Government to proceed on the basis of hate crimes and the impact on interstate commerce, for example, with respect to gender.

QUESTION: Would you anticipate a substantial increase in Federal law enforcement activity in this? I mean is that the goal of the legislation?

ATTORNEY GENERAL RENO: The goal of the legislation is not to increase Federal law enforcement activity if it is not necessary. The whole purpose is to give the Federal Government the authority and the jurisdiction to proceed to protect what we consider to be a very significant Federal interest.

As I pointed out, in many, many instances, the State and local authorities handle these cases. Their statutes are adequate. And they handle them in a very appropriate manner. What we need to do is to have the authority so that we can work with State and local authorities. And if they cannot handle it, if they do not have a statute that is applicable or that provides an appropriate sentence, then we will have the authority to proceed to protect what we believe to be clearly a Federal interest.

QUESTION: With 84 percent of the agencies reporting, do you envision getting up to 100 percent reporting?

ATTORNEY GENERAL RENO: I always try to get to the final numbers. But I also no, in reality, that you do not -- what we will obviously be doing is preparing what we feel to be the coverage of the general UVR reports on general reports with respect to crime, to make sure that we are doing everything we can to match it.

QUESTION: What has been the problem with getting the other jurisdictions to

respond?

ATTORNEY GENERAL RENO: Sometimes they may not have a statute that provides an applicable penalty or an appropriate penalty. There may be an assault that is based on race or based on some other factor.

For example, if it is not a federally protected activity and if it is a simple assault but one based on real hate and real prejudice, and the State does not have a statute that enhances the penalty because of the hate-based or the race-based animus that caused the crime, then in that instance, the Federal crime, recognizing that there is a special interest in focusing on and holding people accountable for hate- and race-based or other categories, we have the opportunity to enhance it under the Federal statutes.

QUESTION: Ms. Reno, on -- (off microphone) -- crime, you certainly hired outside counsel in the antitrust case against Microsoft. And I was wondering what you think attorney David Boise could bring to the case as an outside counsel and why you feel he was needed at this time.

ATTORNEY GENERAL RENO: My understanding is that we have on occasions brought in appropriate counsel. They may have a particular expertise. They may have a particular understanding. But I would refer you to Joel for an appropriate comment.

QUESTION: Does something like this come to your office for approval? Or do you give Mr. Fein carte blanche for something like that? Or how does that work?

ATTORNEY GENERAL RENO: This did not come to my attention. And in many instances there will be arrangements made with outside counsel or, in appropriate situations, on a daily basis, with the Criminal Division, that I would not review.

QUESTION: Would you mind just telling me your philosophy on outside counsel and whether you think it is a trend you would want to go toward or go against and, approximately, if you have a sense of how many Justice does in a year?

ATTORNEY GENERAL RENO: I would ask Bert to provide you with the information so that we can be entirely accurate with respect to the number that we do each year.

Again, it depends on the particular issue. And if there is an expertise, if a person has a particular expertise and can participate without conflict, then it can be

extremely helpful. And I think what we are trying to do in everything that we do is to ensure that the interests of the American people are appropriately protected by Justice Department actions. And in some instances, we may reach out in order to ensure that we have got the best possible representation for the interests of the American people.

QUESTION: Ms. Reno, are you concerned that the jurors in the Terry Nichols case say that they had a lot of problems with the government's case, including finding that the FBI was arrogant and sloppy?

ATTORNEY GENERAL RENO: I think you are referring perhaps to one specific juror or other's comment. And one of the things that I have learned is that when you have a long and complicated case, there may be different feelings from jurors, who may not be aware of all the circumstances that go into an investigation. I think the FBI did an excellent job. They interviewed over 30,000 witnesses. They pursued innumerable leads. And I think they did so based on appropriate standards for how to conduct an investigation.

I know, because I used to get the questions myself sometimes from jurors: Why didn't you do this? Or: Why didn't you do that? And I cannot comment on this specific matter because it is still pending, but there were, in many instances, very clear reasons why it could not be done, why the steps the juror thought should be taken could not be done. And in this instance, when you look at what the FBI has done, I am just very, very proud of the work.

QUESTION: Ms. Reno, at the same time, you are the Nation's top prosecutor. Are you professionally and personally convinced that McVeigh and Nichols acted alone in bombing the Federal Building in Oklahoma City?

ATTORNEY GENERAL RENO: I have gone through all the information. I think the investigation has been as complete as possible. I think we have identified the people responsible. But, as always, if there is new information that is developed, we would pursue it.

QUESTION: Ms. Reno -- (off microphone). (Off microphone) -- hear anything about -- (off microphone) -- investigation -- (off microphone)?

ATTORNEY GENERAL RENO: I do not have any details. I will ask Bert to furnish you with whatever we can appropriately comment on.

QUESTION: Ms. Reno, are you concerned that there may be an upswing in these sorts of situations, particularly with so many personal bankruptcies increasing?

ATTORNEY GENERAL RENO: I think that we have to look at all of these situations and work with local communities, work with the people involved, work with community resources to address the issue in the first place.

It can be -- I mean just imagine how you would feel if you lost everything that your family had had for a long time. We have got to understand how people feel. But we have, at the same time, got to enforce the law in a humane and an appropriate way. And I think if we all will work together, trying to figure out how to do it, try to avoid the problems, trying to provide community resources that may help the person get through a transition, I think we can help make a difference.

QUESTION: Ms. Reno, speaking of crimes against the United States Government President Khatemi, last night, categorically denied any terrorist activities on the part of the Iranian Government; said that the United States was trying to put Iran on trial by opening a dialogue on terrorism and nuclear weapons and such -- a man from the Khobar investigation and other sources.

Would you be able to accept President Khatemi's whitewash of the Iranian intelligence services?

ATTORNEY GENERAL RENO: Well, first of all, I would not comment on Khobar. And, secondly, I would refer you to the NSC and to the State Department to comment on what he said last night.

QUESTION: Ms. Reno, on the subject of Kaczynski, can you explain your personal reasoning in the decision that was made to reject the plea offer that he made?

ATTORNEY GENERAL RENO: I do not think it would be appropriate while the matter is pending to comment on any decision like that.

QUESTION: Ms. Reno, the State judge in Idaho yesterday ordered the trial to proceed of Mr. Horiuchi in the Ruby Ridge case. What is the Justice Department's next steps in defending him?

ATTORNEY GENERAL RENO: Well, as you know, the court is -- I think a decision will be made next week. But I will ask Bert to confirm the details for you on whether it should be removed to Federal court. We have sought removal to Federal court. And we have provided him with representation. And so we will now proceed in that direction.

QUESTION: Ms. Reno, another question on Microsoft. What do you think about the qualifications of Mr. Lessig to serve as Special Master in that case?

ATTORNEY GENERAL RENO: I think this is a matter that should be resolved in the court.

QUESTION: Ms. Reno, the -- (off microphone) -- Union's agreement with the Justice Department expires next month. Do you want to have it extended? And do you want to keep the right to seize the Union?

ATTORNEY GENERAL RENO: We will be making appropriate comments as time goes by.

QUESTION: Ms. Reno --

ATTORNEY GENERAL RENO: He has not had a turn yet. You had the first one.

QUESTION: Okay.

QUESTION: Ms. Reno, the Justice Department has a Web page, and on it you can go to each one of the Assistant U.S. Attorneys offices and see what they are doing. They are supposed to release their press releases. And the Justice Department also has a section where you can go and see the press releases for main Justice. The problem is it is in disarray.

For example, the main Justice press releases have not been posted since November. And if you go to most of the U.S. Attorney sites, they have not been posted in 2 years.

ATTORNEY GENERAL RENO: You have just given me a good get-back.

(Laughter.)

QUESTION: Well, the problem is -- I think it is a wonderful system, but it is not working, because the U.S. Attorneys are not posting the information, and the Justice Department is not posting the information.

ATTORNEY GENERAL RENO: I think you have put your finger on something that we have identified as one of the major problems that we must deal with as we use the remarkable resources of the Internet. We have got to, in order for the information -- whether it be press releases, whether it be other information concerning the Department of Justice -- to make it useful, we have got to

maintain it as current and accurate.

This is something that we focused on. I can remember the first briefing that I had in this room. And I said: Well, the information changes so rapidly, how are we going to continually update it and ensure its accuracy? And we have been grappling with that problem. And obviously, based on your comments, we have not grappled successfully with it. So, Bert --

(Laughter.)

QUESTION: Ms. Reno.

QUESTION: Ms. Reno.

ATTORNEY GENERAL RENO: You and then you.

QUESTION: Ms. Reno, to what degree is the Justice Department investigation of the tobacco industry enhanced by the decision in the biotech firm to cooperate? And what is the status of those efforts after the better part of 3 years?

ATTORNEY GENERAL RENO: As you know, I cannot comment with respect to pending investigations or particularly with respect to who may be cooperating or not.

QUESTION: I wonder about that Chief Justice Rehnquist report of last week, one aspect of it beyond what he said about the judge that had to do with federalizing juvenile crimes and opposing proposals now pending in the Congress that would do that. Now, generally, I know that the administration has been against federalizing crimes, including juvenile crimes. Could be specific about -- are you opposed to any proposal pending that might federalize a juvenile crime?

ATTORNEY GENERAL RENO: Let me be clear about that. There are times when we think that there should be a Federal penalty for a crime because there is a clear Federal interest. But State and locals may act because it is a violent crime or a crime more traditionally handled by State and local authorities.

My policy has always been, regardless of the increased legislation, let's look at each case, let's develop our partnerships between the local prosecutor and the U. S. Attorney. Let's decide who can best handle the case with the best interests of the community at stake, and then do it that way. Let us not take cases to Federal court just to get credit for numbers, to get credit for convictions. Let's do what is right based on the interest of the community and the interest of justice.

And there are some particular situations where it is important that there be Federal penalties for juveniles because, for example, in Indian country, the Federal Government is the -- in many instances in Indian country, and there are some variations, depending on the State -- the Federal Government is the government responsible for law enforcement on a local basis.

We are trying to work with tribes to develop concepts of tribal justice that supplement and complement Federal authorities and that are grounded in and based on principles of sovereignty. It has been very rewarding to see what traditions exist with respect to tribal justice.

For example, sentencing circles are an element in many instances of tribal justice. And instead of just determining guilt or innocence, people say: What is the problem? Let's get around a circle. Let's let the elders figure out what the problem was. And let's solve the problem rather than just determine guilt or innocence.

And so we can use a lot of that type of thought in our conflict resolution programs, in our negotiation and mediation programs that are ongoing. There is a lot to be learned from talking to each other.

QUESTION: Ms. Reno, what is the status of the extradition request to Mexico regarding the man who is being sought in Florida for the murder of the mother of quadruplets?

ATTORNEY GENERAL RENO: In the Sarasota case?

QUESTION: Yes.

ATTORNEY GENERAL RENO: As I understand it, the papers have been provided. And I will ask Bert to give you an update on the latest development.

QUESTION: Ms. Reno, on the -- (off microphone) -- investigation, the folks in the civil litigation who are negotiating that basically say, you know, we sat down -- (off microphone) -- we have nothing -- (off microphone) -- we are just the civil case. Does the Department basically -- (off microphone) -- you have nothing to do with the civil case -- (off microphone) -- cannot consider that?

ATTORNEY GENERAL RENO: We have an ongoing criminal investigations and we have the civil matters. What we want to do is to make sure that one does not interfere with the other and that there is coordination in the deputy's office to

ensure that there is nothing that would interfere, one with the other.

QUESTION: Ms. Reno, where are things with the review of the assisted suicide issue in Oregon?

ATTORNEY GENERAL RENO: I keep asking about that, and I am told that I will be getting some recommendations shortly. But, as yet, I do not have it.

QUESTION: And when you say shortly, can you give any more definition?

ATTORNEY GENERAL RENO: No.

QUESTION: Okay.

QUESTION: Ms. Reno, if I could go back a moment to the Kaczynski case. You know that David Kaczynski says that he feels he was betrayed in having turned his brother in and then having the death penalty be sought by Federal prosecutors. The FBI is quoted as saying in Newsweek this week that he was led down the primrose path. Is that correct? Was he essentially tricked? And is that an appropriate device to use in seeking a fugitive like Kaczynski?

ATTORNEY GENERAL RENO: That is the first I have heard of the FBI comment. I will be happy to check on it and have Bert get back to you.

QUESTION: Ms. Reno, what type of a signal or message does the situation with David Kaczynski send to family members in similar situations? He says that he clearly was under the understanding that if he were to cooperate that the death penalty would not be sought. It is. And he has again says he feels betrayed. What message or signal does that send to anyone else?

ATTORNEY GENERAL RENO: I think the important thing is that this should not be tried in the press. This matter is in the court now and the comments should be made in the court.

QUESTION: Ms. Reno, the cause of death of the late Commerce Secretary Ron Brown has been a fodder for the talk show circuit and for other things. But apparently the discussion has reached a point now to where Congresswoman Waters and Reverend Jackson are calling on the Justice Department to take a look into the matter. Basically, two things: Do you see any useful purpose in the Justice Department looking into the issue? And do you have any thoughts in general on it?

ATTORNEY GENERAL RENO: The Department is not looking into the matter. If there is credible information developed that a crime has been committed, then we will pursue it immediately.

QUESTION: Ms. Reno, you look in the peak of health. And since last we met, you have had a physical examination. How are you doing physically?

ATTORNEY GENERAL RENO: I seem to be fine. Everybody has asked how I am doing. And I appreciate it. And everybody has been thoughtful. I had a wonderful Christmas vacation. I went kayaking in the ocean and learned how to surf a poke boat into the shore, and I had a good time doing that. I went out to the Glades. I went bicycling. I came back and have been walking. And I would like the good weather to stay so that I can go out in the poke boat this Saturday. But it does not look like that is going to be very helpful.

I went to see the doctor in Miami who is my doctor for the Parkinson's. And he said I seem to be in good, if not better, shape than when he last saw me. I went to see my doctor here, my regular internist. He said all the tests came back. I went to see the gallstone man, and he said he did not think that was any problem at all. And I think I have run the gamut. So I feel good. And they say I am in good shape.

QUESTION: Ms. Reno, back on a different question. In making your decision to seek the death penalty, you have weighed the issue of -- (off microphone) -- crime. Can you explain why you did not -- (off microphone) -- government asked for the death penalty?

ATTORNEY GENERAL RENO: Again, just generally -- because I had to ask for it in Miami and have to authorize it here -- any time you do that, it is one of the hardest decisions that a person can make. And I make it very carefully and try to consider all of the factors.

In this instance, the matter is currently pending and the matter is currently in trial. And it is just not right for me to comment. It should not be tried in the press. It has got to be tried in the courtroom.

QUESTION: Ms. Reno, just a quick follow-up if I may on -- (off microphone) --

ATTORNEY GENERAL RENO: You are doing okay.

(Laughter.)

QUESTION: When you say you do not want to the two civil and criminal cases to interfere with each other -- (off microphone) -- yesterday was, you know, if they start a criminal prosecution -- (off microphone) -- negotiations -- (off microphone). Is that the kind of considerations that -- (off microphone) --

ATTORNEY GENERAL RENO: I am just talking about the evidence.

QUESTION: Okay. (Off microphone) --

QUESTION: Ms. Reno, is there any problem or are you on top of the so-called Year 2000 problem with the Justice Department's computers?

ATTORNEY GENERAL RENO: I regularly check on this as part of my review of different components. And I am told that we are making progress, that we should have the problem solved. And what we are trying to do is not only conclude that we are going to be in compliance, but we are trying to test, as we think we are in compliance, to make sure that we are and that we have follow-through.

I am not satisfied, because I do not have the problem totally solved. But I think we are on a good time schedule to get it solved. And I feel comfortable with it.

QUESTION: Ms. Reno, on the death penalty generally, you have rejected authorization to seek the death penalty a little more often than you have authorized it. How do you think the guidelines that you established in 1995 for the review committee to deal with this issue -- how are they working? Are you satisfied with the mechanism that is now in place or the decisionmaking process?

ATTORNEY GENERAL RENO: I feel very comfortable with it. We are constantly reviewing it, constantly reaching out to the U.S. Attorneys, constantly trying to determine what we can do to ensure that the death penalty is implemented the right way, according to justice.j

QUESTION: And what is the status of the reconciliation between the Burton committee and the Department of Justice regarding the memo? Has there been any progress, or have you anything to report about that?

ATTORNEY GENERAL RENO: We are trying to get a time when we can meet with both the chairman and the ranking member. And we are trying to work out schedules now.

QUESTION: Ms. Reno, there are reports in the press of anywhere from three to five grand juries investigating the tobacco industry. Is that in the ball park, that

many grand juries?

ATTORNEY GENERAL RENO: You know I would not comment on that.

QUESTION: Ms. Reno, has the White House accepted your recommendation -- (off microphone) -- to the Criminal Division?

ATTORNEY GENERAL RENO: We are, again, reviewing everything. And I hope that we can make an announcement shortly.

Thank you very much.

QUESTION: What did you get for Christmas?

ATTORNEY GENERAL RENO: What did I get for Christmas?

QUESTION: Yes.

ATTORNEY GENERAL RENO: I got books for Christmas and more books. And it was wonderful. And, most of all, I sat on my front porch and just had a wonderful time. I went up to my sister's. I played with my great-niece and nephew. It is really a good thing to be around small children. They ask the most wonderful questions, and they bring you back to the realities of the world.

Thank you.

QUESTION: (Off microphone) --

ATTORNEY GENERAL RENO: Oh, I love that.

QUESTION: Yes?

ATTORNEY GENERAL RENO: Yes, you go in on -- we went out at dawn through the inlet. And you come in. And it is just --

QUESTION: You were riding the waves.

ATTORNEY GENERAL RENO: Riding the waves. I did not turn over.

QUESTION: You better not.

(Laughter.)

ATTORNEY GENERAL RENO: Well, one of the things that I learned, as I have turned over now twice on the Potomac, and if you turn over, you know it is not the end of the world.

QUESTION: In the surf, however, it is dangerous.

(Whereupon, at 10:30 a.m., the press conference concluded.)