



UNITED STATES DEPARTMENT OF JUSTICE

Press Conference

THE HONORABLE JANET RENO, ATTORNEY GENERAL

Thursday, January 15, 1998

9:30 a.m.

PROCEEDINGS

(9:30 a.m.)

ATTORNEY GENERAL RENO: Good morning.

QUESTION: We know that there won't be too much you can tell us about the investigation, but can you at least tell us when the 90-day preliminary investigation ends?

ATTORNEY GENERAL RENO: Under the law, I cannot comment at all.

QUESTION: Well, in previous preliminary investigations, we have been told at least the structure or the timing of the investigation. You can't tell us it's going to end on February 28th or March 15th or --

ATTORNEY GENERAL RENO: When there is an appropriate court order, I can discuss it. But those, we have to distinguish the cases.

QUESTION: Ms. Reno, now that the matter has become public, will you write to the Special Division and ask them for permission to make public your application?

ATTORNEY GENERAL RENO: I cannot comment without the approval of the court.

QUESTION: Well, will you take into consideration writing to the court and asking for permission to make public actually the notification that you have -- (off microphone)?

ATTORNEY GENERAL RENO: I just really cannot comment in this situation. You are creative in your questions.

QUESTION: Ms. Reno, some of the time in the past, if you look at the history of the independent counsel statute, most of the public officials -- cabinet members, close associations of the President -- who are under investigation, that becomes public. There have been a few sealed investigations. What determines whether, when a government official is under investigation, the matter will be disclosed or not?

ATTORNEY GENERAL RENO: On previous occasions, I would refer you to the motions that we have made with the court, asking that the matter be unsealed. And generally it relates to situations where it was known publicly.

QUESTION: Now that it is known publicly, can you not go ahead and make the motion to the court?

ATTORNEY GENERAL RENO: I do not have approval from the court to comment. And I cannot comment.

QUESTION: Ms. Reno, the examiner will finish -- will have a report for the court in the Unabomber case this Friday. And that will be the first time the government has been able to see an independent evaluation of the defendant's state of mind. Will that change -- does that change the calculus in the Department's view about possible plea negotiations?

ATTORNEY GENERAL RENO: We do not do what-ifs. We have to look at the report and make an appropriate determination based on that report.

QUESTION: Ms. Reno, on the same case, are you regretful now or do you feel the government should have itself moved for a competency hearing earlier than this?

ATTORNEY GENERAL RENO: I cannot comment on what the government has done or will do. The matter is pending. It is obviously a very sensitive issue. And it should be decided in court and discussed in court.

QUESTION: Ms. Reno, in your previous answer you referred to the report as something that you would evaluate in this case. Does that suggest that you will make your evaluation prior to the actual hearing and the judge's conclusion? I guess I do not understand how these two pieces fit together.

ATTORNEY GENERAL RENO: The question that was asked of me referred to a report and what effect it would have. And I said I would look at the report and determine what effect it would have.

QUESTION: In this case, can you evaluate that report independent of the judge's hearing? I assume you have seen the report.

ATTORNEY GENERAL RENO: I do not know what the report will say, so I don't know how I -- what I can do with it. I mean, put yourself in my place, and just consider your questions and what I can answer and what I cannot. This is a pending matter. You asked me what effect a report will have. I cannot tell you what effect the report will have until I see it.

QUESTION: Ms. Reno, I asked you what effect the report would have. This is strictly a procedural question. I am trying to understand whether in this evaluation you are conducting, whether you can consider the report independent of the hearing and the outcome of the hearing that the judge will hold in which he will issue such a ruling -- I suppose is the question -- (off microphone) -- two different matters as far as your evaluations are concerned?

ATTORNEY GENERAL RENO: I cannot comment on the proceeding. And with respect to what effect one has on the other and whether I can do one thing with respect to another, I just have got to wait and see.

QUESTION: Ms. Reno, I understand that your trip to Minneapolis was really interesting. We have been told that Minneapolis is making some progress against violent crime. Can you tell us a little bit about it?

ATTORNEY GENERAL RENO: It was -- I found it very exciting, because they have been grappling with violent crime. And what I saw was, I think, very special. The private sector had come together with law enforcement, with government, in a very effective way. They were looking at what law enforcement could do, together with Federal, State and local. They were supportive in terms of funding.

The private sector had provided funding.

In instances where other people say, well, what can government do, it was a really classic example of citizens -- the citizens from the community were there, community probation officers, working with community police officers, and they were realistic. They pointed out that the murder rate was down significantly, having spiked the last 2 years. But they cautioned that drugs were still a problem and that there were other issues that they wanted to continue to address.

So I found it a very thoughtful, very candid discussion. But what I have come to believe more firmly each time I see a community like Minneapolis or a community like Boston, if communities will sit down, if the private and public sector come together, if Federal, State and local law enforcement work together without regards to turf and who gets the credit, if the other parts of the criminal justice system, the correctional system and probations officers, work with community police officers, and if everybody works with citizens in the neighborhoods affected, you can really have an impact.

Now, I think they are going to be addressing the issue of drugs and drug organizations. And what they have also found is that there are drug groups coming from other districts and other States, because they find that there is a different drug market in Minneapolis. So they are going to focus on this in a very concentrated way.

And I just urge all communities across this Nation to sit down, see what your crime problem is, see what resources you have, get everyone together as a partner, and then effectively deal with those issues. It may be youth gangs. It may be drug organizations. But, working together, city after city is proving that we can have an impact on it.

The most important lesson, I think, for us all is that we cannot be complacent. If you get rid of one gang, another is going to spring up unless you are prepared to move in and work with citizens and prevention programs, as well.

QUESTION: Given all that has happened in this case so far, or not happened in this case so far, do you have regret, without regard to what this report may or may not say about choosing to seek the death penalty in this case?

ATTORNEY GENERAL RENO: Again, it is important in a matter such as this that the case not be tried in the headlines, but that it be tried in court, in appropriate motion and discussion. And that is what we are going to continue to do. It is just not appropriate for me to comment outside the court setting.

QUESTION: Ms. Reno, a year ago you gave, I think, three priorities for 1997, and they worked out pretty well. What is the top of your wish list for 1998 -- (off microphone)?

ATTORNEY GENERAL RENO: What I have done, now that the new Associate Attorney General is on board and has had a chance to review the issues before him, I have met with the Deputy Attorney General and the Associate to look at new projects or developing projects that we want to address. And then we want to continue the programs that we have had underway: the anti-violence initiatives, and expanded in a cooperative way, to a general law enforcement plan in each district, such as we see in Minneapolis.

I want to continue to work together with all concerned, not just on the Southwest border, but across the Southern frontier, to ensure that we coordinate with all other agencies in law enforcement, as well as other agencies of government, in the most comprehensive way appropriate and possible to stem the tide of drugs coming into the United States.

Those are some of the initiatives that we want to pursue. And, as always, I want to continue to do everything I can to make sure that we give the children of America a chance for a strong and positive future. We see so many programs that are working in community after community, where constructive activities are provided for children. Minneapolis, for example, is talking about extending its school hours, so that children will have opportunities for appropriate supervision and appropriate activities.

So much can be done if we focus on what we can do to provide our children with appropriate supervision, to make sure they get a good education, to make sure that they have appropriate housing, that they have a chance to make a difference.

QUESTION: Ms. Reno, now that the Horiuchi case has been removed to Federal court, will the Department seek to have the charges dismissed based on immunity?

ATTORNEY GENERAL RENO: Again, all our statements with reference to that case or any other case really should be made in court.

QUESTION: Ms. Reno, I just want to follow up on the matter of drugs coming in across the borders. What is your reaction to the Defense Department official's recommendation that there will be a permanent cancelling of our military patrols along the Mexican border?

ATTORNEY GENERAL RENO: We will work with everybody concerned to make sure that resources of the Department of Defense are used appropriately, consistent with the Posse Comitatus Act and appropriate regulations, and that law enforcement does its job. The military has an appropriate role, and we will make sure that we work together with them to ensure that all the resources are used, that they are used without duplication and fragmentation, and that we try to get the job done together.

QUESTION: Is it your opinion that this is just as well that military patrols no longer are active on the borders?

ATTORNEY GENERAL RENO: No. What I am trying to suggest to you is that we will continue to work with the military to ensure that resources are used the right way.

QUESTION: Ms. Reno, Congressman Waxman says he is going to ask you to take a look at a new cache of documents about the tobacco companies, specifically R. J. Reynolds, and he wants you to determine whether its executives may have lied previously about their efforts to entice teenagers to smoke. Are these documents already in town, with your ongoing tobacco investigation, or is this something new that you have not seen yet?

ATTORNEY GENERAL RENO: I, first of all, do not know the answer to the question. But, secondly, I really could not comment if I did know the answer to the question. I will ask Bert to double check and to let you know whatever we could say that would be appropriate.

QUESTION: (Off microphone) -- one other topic: Cuba, the visit of the Pope next week, 10,000 or so American residents, many citizens, will be going to Cuba, 4,000 press are estimated, and many tens of millions of dollars to flow into the coffers of Fidel Castro. I understand that the Treasury Department license for spending dollars in Cuba applies to everyone who goes there. Will the Justice Department be strictly enforcing?

ATTORNEY GENERAL RENO: We will work with the Treasury Department as is appropriate in circumstances such as this.

QUESTION: Ms. Reno, I may be behind the curve on this, but did the Burton committee ever get its briefing on Director Freeh's memo?

ATTORNEY GENERAL RENO: We are trying to arrange a time when the chairman and the ranking member are available to meet. And that effort is ongoing now.

QUESTION: (Off microphone) -- are you at all offended by these documents that suggest a marketing campaign aimed at enticing teenagers to smoke?

ATTORNEY GENERAL RENO: One thing you find in this job is that you cannot comment on your emotions about something, because you color the whole thing. It is just very important that an investigation like this be conducted in an orderly way, and not in the headlines. And we are going to continue to try to do that.

QUESTION: Ms. Reno, back to a previous question. What new initiatives are you asking money for in the fiscal year 1999 budget?

ATTORNEY GENERAL RENO: Oh, why don't we wait and see, and let the President discuss the budget.

QUESTION: Ms. Reno, last week in response to a question, the public affairs office declined to identify the number or the membership of the death penalty review committee. Could I ask you to address that same question: How many people are on it, who they are, how they are appointed?

ATTORNEY GENERAL RENO: What we have tried to do is to have an effort underway that can give me the best advice possible. And to discuss the inner workings of an effort to provide the best and most helpful information possible I think is, as in other situations, a deterrent to my getting the best information possible. But we will continue to review it with you and see what can be done.

QUESTION: Ms. Reno, could you do that in regard -- (off microphone) -- any discussion -- (off microphone) -- question strictly pertaining to the personnel who form the committee?

ATTORNEY GENERAL RENO: I understand.

QUESTION: Thank you.

QUESTION: Ms. Reno, an off-the-wall question here.

(Laughter.)

QUESTION: After the Nichols trial, there was some concern on the part of some of the jurors there about the fact -- and this comes up from time to time -- that the FBI does not transcribe interviews, it does this form 302. And every once in a while somebody says, you know, that it is not the best evidence, 302's are

summaries of what something thinks somebody said. And people, every once in a while, look at whether the FBI should change that.

Is that anything that is being looked at? During the time you have been Attorney General, has anyone ever suggested that the FBI ought to change that practice?

ATTORNEY GENERAL RENO: I have heard it on occasions and have discussed it with Director Freeh. I cannot discuss it in the context of this particular case.

QUESTION: But as a general matter, is that something that is pretty much a dead letter now?

ATTORNEY GENERAL RENO: As always, we continue to review each issues, the circumstances of the issue in the context it arises, to see what is appropriate. But, again, with respect to this matter, in this case, I cannot discuss it.

QUESTION: Yes, but as a general matter, does it strike you as a good idea, the way the FBI does the 302's? Do you see any need to change that?

ATTORNEY GENERAL RENO: I think, each case, you have got to look at it on a case-by-case basis, and I think that is what the Bureau does.

QUESTION: Are you saying that they sometimes use a tape recorder?

ATTORNEY GENERAL RENO: Again, I think you have to look at the specific examples of each case and make the best judgment of what is right in that case.

QUESTION: (Off microphone) -- some have suggested the FBI should no longer use this form 302, and should go to a transcription of interviews. Would that be a good idea, in your view?

ATTORNEY GENERAL RENO: Again, you are going to have to look at the whole matter: each case, when you interview, who you interview, what the circumstances are.

QUESTION: But the FBI has a policy that applies to all cases all the time, that they do not tape record their interviews.

ATTORNEY GENERAL RENO: I will be happy to check with Director Freeh and clarify anything that I have said. But, again, I cannot comment on this particular case. And I think you have got to look at the larger picture.

QUESTION: Ms. Reno, with regard to Mr. Sero's question earlier about the makeup of the death penalty review committee, why should -- this is such a grave matter -- why should this be immune from the usual public scrutiny through us, through reporters?

ATTORNEY GENERAL RENO: Because I am the one that makes the decision. And I am the one responsible for the decision. And I need to be able to rely on people to give me their opinion. Since the buck stops with me, since I am the person responsible, you ought to be able to question me, not during a pending case because my positions with respect to the death penalty are then brought out in court. But with respect to afterwards, I think you should ask me why I do things and why I don't. Because it is my decision.

QUESTION: But wouldn't it be pertinent to know where these people come from, what their experience is, are they career government people, what their experience has been with the death penalty themselves?

ATTORNEY GENERAL RENO: One of the points that you should look at is -- I mean you would then be looking at everybody involved in the whole process. And I just think that where a responsibility for decision is focused, that is the person that you should subject to the scrutiny. And you all do a pretty good job of that.

QUESTION: Ms. Reno, with all due respect, there are numerous bodies of the Federal Government that advise executive officers, cabinet members and others, on decisionmaking. And the makeup and the workings of those bodies are known even when the final decisions belong to the executive officer alone. Even within this building, there are -- (off microphone) -- example.

This is a rather singular case where not even the number of people on the committee or where they come from is being made public. I guess that is why we are pursuing this question.

ATTORNEY GENERAL RENO: Well, we will be happy to review it and see if there is some basis for releasing the information. Because I would like to try to be as open as possible. But in the law enforcement context, that is a lot different than what people do in other parts of the government. And where I am the person responsible for it and subject myself to the scrutiny, I think you should be asking what did you rely -- you know, what are the issues that you relied on, what are the circumstances?

But, there again, that is difficult, because you have got the problem -- and it is frustrating to me at times, when you have pending matters -- pending matters

should be determined in the court.

QUESTION: Are you concerned that if the people -- the names were publicized, they might be threatened?

ATTORNEY GENERAL RENO: I have had situations where -- I mean I would hope that they would not be threatened. I would have no reason to believe that they would be threatened. But, again, I will be happy to review it and look at it. But I think, based on the whole process and procedure involved in the law enforcement and the prosecution effort, I think the buck should stop with me.

QUESTION: (Off microphone) -- Ms. Reno -- (off microphone) between the defense and the government in the Kaczynski case -- (off microphone)?

ATTORNEY GENERAL RENO: I hate to keep sounding like a broken record, but I think it is very important that you not comment, and that a prosecutor not comment, on matters relating to that or any other issue in a pending prosecution. Those matters should take place and those discussions should arise in court. That is where the judge, opposing counsel and the jury, when the matter goes to the jury, will be. That is where the information and the arguments should be made. That is where the evidence should be introduced.

And the case should not be colored by extraneous comments outside the courtroom if we are going to do our best to see that justice is done. And I explain that again just so people do not think I am an obstinate person, refusing to answer any of your questions this morning. I am just trying to do my duty to what I think is due process, which is to get it decided in the courtroom.

QUESTION: (Off microphone) obstinance on my part --

ATTORNEY GENERAL RENO: None of you are ever obstinate. If you would compare the difference between you and the White House press corps, they are always interrupting each other. You all defer to each other.

QUESTION: Without -- (off microphone) --

(Laughter.)

QUESTION: Now, you will get us all fired.

(Laughter.)

QUESTION: Without reference to --

ATTORNEY GENERAL RENO: If somebody tries to fire you, let me know.

(Laughter.)

QUESTION: Without reference to what discussions might be, but simply procedurally, are there discussions?

ATTORNEY GENERAL RENO: You simply cannot comment on a matter like that. Because if you stop to think about it, a comment on a matter like that could affect what people understand to be happening in a case.

QUESTION: Let me try immigration.

(Laughter.)

QUESTION: Last night at midnight, the 245(i) program for those illegals that -- who have to divvy up -- to pay up their \$1,000 fine expired. What, in your opinion, was the effect of that program and approximately how many paid their \$1,000 to the U.S. Treasury?

ATTORNEY GENERAL RENO: I do not have any information immediately with me. I will ask Bert to try to give you any information as to the amounts that were paid to the Treasury and to the number of people involved. The cutoff was last night, and that is not now available. So people who have let their legal status lapse will now have to return to their country and make an appropriate application.

QUESTION: Do you think the program was a success?

ATTORNEY GENERAL RENO: I think it was a very useful program, and we suggested that it not be terminated. And we also tried to make sure that there was an extension, so that people had sufficient notice and could take appropriate steps. Which I think a large number did. But I would ask Bert to get you the figures.

QUESTION: A juvenile crime bill has been passed by the House last year. It has gotten out of the Senate judiciary committee. Where does that stand in the legislative priorities of your administration for this year?

ATTORNEY GENERAL RENO: As I have indicated, the whole area of juvenile

justice has been one of our major concerns. And the passage of this bill will be very important in our efforts to ensure a balanced approach to juvenile justice, to ensure that there are adequate programs for enforcement, but that there are adequate programs for prevention and what I call intervention, as well.

QUESTION: What does that signal that you are getting about how serious Lott is about bringing this up?

ATTORNEY GENERAL RENO: We have heard that there is a commitment to addressing the issue of juvenile justice. And I am very gratified by that, and I look forward to working with everybody to try to fashion an effort that can make a difference. And I think we will be able to do that.

QUESTION: Ms. Reno, any indication that the confirmation -- the growth on Federal judge nominations is going to pick up with the new year? Have you talked to Chairman Hatch?

ATTORNEY GENERAL RENO: I have not talked to Chairman Hatch yet, but I do know that he has a deep concern for the Federal judiciary. It has been a pleasure to work with him over the years to address some of those concerns. We participated together in two three-branch conferences at which we addressed the issue of the Federal courts and their appropriate role. And I really look forward to working with him this year, to getting these hearings, to getting these people to the floor of the Senate, to getting votes, so that we can move ahead.

QUESTION: As you know, the Chief Justice has again criticized the slow movement on the confirmations. He has advised the Senate to either vote them up or down, but do something. Now the Ninth Circuit has also lodged its criticism of the slow movement.

How bad is the crisis getting to the Federal courts?

ATTORNEY GENERAL RENO: I think when the Chief Justice of the United States speaks out, you can understand the dimension of the problem. I think it is important that there be appropriately early votes.

And let me explain why. If you are nominated for a Federal court position, everyone thinks, well, Bob, he is going off the Federal bench, he cannot represent me anymore, I have got to find another lawyer. And you sit there, sometimes for a year and longer, and your practice dries up. And it is just very, very difficult in those circumstances.

So I think it is important that the process be handled with appropriate dispatch. And I really think that we can work with Senator Hatch. Because I know, from all my dealings with him, that he does have a deep concern for the Federal judiciary, that he, of all people, does not want to see justice delayed. And I look forward to working with him, to getting these hearings, to getting the people to the floor of the Senate. I look forward to working with the Senate leadership, to having the votes, and to getting these people confirmed.

Because I think if you look at the people that the President has nominated and that the Senate has confirmed since 1993, you will find a range of people that are distinguished, thoughtful, possessed of good judicial temperament, and reflect great credit to the bench.

QUESTION: Have you heard anything from Senator Hatch about the prospects for Beth Nolan's nomination? And what actions, if any, have you taken to advance that nomination?

ATTORNEY GENERAL RENO: I have not talked with Senator Hatch, but we are going -- Beth is a wonderful nominee. She has got a very distinguished background. She served in the Reagan administration in the Office of Legal Counsel. People who work with her have praised her work. I have now had a chance to watch her action, and she is a splendid lawyer and an excellent public servant.

So I think that we are going to be able to again work with the Senate judiciary, to have an appropriately timely hearing and to get the matter moved to the floor of the Senate. And I think when people have the chance to hear Beth, have a chance to review her record and hear from the bipartisan array of supporters that she has, that they will recognize, as I have, that she is going to be a very distinguished Assistant Attorney General for the Office of Legal Counsel.

Thank you.

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