



UNITED STATES DEPARTMENT OF JUSTICE

Press Conference

THE HONORABLE JANET RENO, ATTORNEY GENERAL

Thursday, January 22, 1998

9:30 a.m.

P R O C E E D I N G S

(9:30 a.m.)

ATTORNEY GENERAL RENO: Good morning.

QUESTION: Good morning, Ms. Reno.

Ms. Reno, Independent Counsel Starr is about to have a new conference to talk about why this latest allegation is within the scope of his investigation. If the Independent Counsel is about to talk on the record about why this is within the scope of his investigation, why aren't you allowed to talk on the record about why this is within the scope of his investigation?

ATTORNEY GENERAL RENO: As I have always said when a matter is being handled by the Independent Counsel, it is inappropriate for me to comment.

QUESTION: Has he always had the authority to investigate -- (off microphone)?

ATTORNEY GENERAL RENO: Again, when a matter is before the Independent Counsel, I cannot comment.

QUESTION: But, Ms. Reno, in the past you have explained your reasons for seeking the appointment of an independent counsel or not. Why not explain, in this matter, why you chose to turn it over to an existing Independent Counsel as opposed to going through the preliminary investigation stage and seeking another one?

ATTORNEY GENERAL RENO: When the matter is being handled, if you will distinguish between those situations where I have made a filing with the court and there is no Independent Counsel, in this instance, there is an Independent Counsel handling the matter. The whole purpose of an independent counsel is to ensure their independence. And, thus, it would be inappropriate for me to comment on a matter that he is handling.

QUESTION: Ms. Reno, can you tell us whether or not you've listened to these videotape -- excuse me -- the audiotapes that were -- that Ken Staff provided?

ATTORNEY GENERAL RENO: Again, with respect to the entire matter, I do not think that I can comment, since it is being handled by the Independent Counsel.

QUESTION: Ms. Reno, as a matter of law, when the Independent Counsel is conducting an investigation -- this is a question about the ways the Independent Counsel operates -- is he permitted to do surveillance, to conduct consensual taping and so forth, in an area over which he does not yet have jurisdiction?

ATTORNEY GENERAL RENO: Again, the Independent Counsel is the person that should comment concerning this matter.

QUESTION: Ms. Reno, will you ask to unseal your filing with the court? We asked the court to unseal the filing you --

ATTORNEY GENERAL RENO: All matters relating to this matter should be commented on, if at all, by the Independent Counsel, not by the Justice Department.

QUESTION: (Off microphone) --

ATTORNEY GENERAL RENO: Again, I won't comment. The matter is, as I have explained, being handled by the Independent Counsel. The purpose is to ensure independence. And, thus, I cannot comment.

QUESTION: Ms. Reno, when you referred the David Watson matter to the Independent Counsel and when you referred the FBI files matter to the Independent Counsel, in both occasions we were told publicly that those referrals had been made. What's the difference between those two and this particular referral?

ATTORNEY GENERAL RENO: I would again refer you to the Independent Counsel, and let the Counsel be the person that comments.

QUESTION: Ms. Reno, why do you need a spokesperson about your reasoning and your thinking? Why are those questions that you can't answer, since they are about your decision?

ATTORNEY GENERAL RENO: Again, there is a pending matter before the Independent Counsel. I have got to make sure that I don't comment in any way that affects that investigation, so that I can ensure the independence of that investigation.

QUESTION: Ms. Reno, can you say whether you feel that you have any latitude, in general, when an independent counsel asks you for expanded authority? Or is that almost automatic that you need to grant that?

ATTORNEY GENERAL RENO: What I can say without commenting on this matter is that the answer to your question depends on all the circumstances.

QUESTION: Ms. Reno, to follow up on that question, does the law -- the part of the law that guides the initial review, the 30-day, 90-day and so forth, is very specific about having to have specific and credible evidence. When an independent counsel is already at work and wants to expand his or her jurisdiction, is there any guidance on what it takes, or is it much more open?

ATTORNEY GENERAL RENO: Again, I won't comment on the pending investigation, and the circumstances depend on all the facts with respect to any other matters. So it would be difficult for me to comment.

QUESTION: But in terms of what the law says, I mean. Does the law give you -- did the law give the Justice Department any guidance? Is it different in this area?

ATTORNEY GENERAL RENO: What you should do is, again, look at the statute and look at the actual language of the statute, and recognize that there are different circumstances where it might apply or might not apply.

QUESTION: So it is accurate to say that you found specific and credible evidence?

ATTORNEY GENERAL RENO: You haven't had a chance.

QUESTION: Ms. Reno, to follow that point, not with respect to this particular investigation, but what is your understanding of how does the law limit a special prosecutor? What is to prevent a special prosecutor in a future case from becoming, in effect, inquisitor-in-chief of this or any other President? Where do the boundaries actually exist under the law, not in this case but in your perception of how this law works? Could you explain that? What prevents the special prosecutor from becoming a permanent feature of --

ATTORNEY GENERAL RENO: I would refer you to the language of the law, so that you can apply it to the facts that you want to apply it to. But it depends on the circumstances. And the circumstances are so myriad, I really would not comment.

QUESTION: Ms. Reno, could we -- (off microphone)? (Off microphone) -- on whether the President's comment yesterday, seen by everybody, concerning he'd prefer it to go to a jury trial, does that limit the prospects for any plea bargaining settlement here?

ATTORNEY GENERAL RENO: We have had no communication on that. This matter should be handled by the Justice Department based on the evidence and the law, and it will be.

QUESTION: You mean all communication with the White House on it?

ATTORNEY GENERAL RENO: That's correct.

QUESTION: Ms. Reno, as an officer of the government and as a personal friend of Mr. Clinton, are you troubled that Mr. Clinton might be in trouble with some kind of addictive behavior?

ATTORNEY GENERAL RENO: As I have indicated with respect to this matter, I'm not going to comment because the Independent Counsel is handling it. The whole purpose of the law is to have somebody independent handling it. And, thus, the Justice Department and the Attorney General should not comment.

QUESTION: Ms. Reno, I do not mean to try to try your patience, but I realize you

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ATTORNEY GENERAL RENO: You never try my patience.

QUESTION: Let's go back to before this was an independent counsel matter, when it was strictly a Justice Department matter, say, last Thursday or Wednesday. Before you went to the Special Division, was there any thought given to getting the President's side of the story or to talk with this young woman before it became the problem of the Independent Counsel?

ATTORNEY GENERAL RENO: Again, I cannot comment on any matter with reference to this case that is now being handled by the Independent Counsel.

QUESTION: Ms. Reno, there are people in the Justice Department who have been quoted as saying they were flabbergasted at the evidence. Is that accurate?

ATTORNEY GENERAL RENO: Again, what I have tried to do in every way when there is an independent counsel handling a matter is to not comment and to let the independent counsel handle it as he or she deems fit.

QUESTION: Are you confident that -- (off microphone) -- is this also the purview of the Independent Counsel -- that Monica Lewinsky is safe and under no duress at present?

ATTORNEY GENERAL RENO: Again, any comments should be made by the Independent Counsel.

QUESTION: On the Unabomber case -- (off microphone) -- investigations or -- (off microphone) -- update at all -- (off microphone)?

ATTORNEY GENERAL RENO: As I indicated to you last week, it is inappropriate for me, while a matter is pending, to discuss such matters as that. Any issue with respect to public comment should be handled and made in the courtroom. The matter should not be handled in the press when it affects a person's life and liberty.

QUESTION: Ms. Reno, does it make any difference to you, does it concern you as a human being that the court-appointed psychiatrist has now said -- she has, in essence, certified Mr. Kaczynski as paranoid schizophrenic -- does it bother you -- does it bother the government that the government's position still is to seek the death penalty against Mr. Kaczynski?

ATTORNEY GENERAL RENO: We continue to review all matters and pursue everything, again, based on the information that is available and based on the law.

QUESTION: General Reno, apparently you took about 2 days to make the referral in the Lewinsky-Starr business. Is that a typical time frame, or do you sometimes take more or less time to consider that kind of request?

ATTORNEY GENERAL RENO: Again, I will not comment on that matter. Because, as I have explained, an independent counsel is handling it, and they -- he or she should be the one to comment.

QUESTION: Ms. Reno -- (off microphone) -- President -- (off microphone) -- law -- (off microphone) -- Vernon Jordan?

ATTORNEY GENERAL RENO: Again, I would not comment, cannot comment.

QUESTION: (Off microphone) -- debates?

ATTORNEY GENERAL RENO: As I have explained in answer to a similar question just a moment ago, I really cannot comment.

QUESTION: Do you take into consideration -- you've always said that you consider a number of factors, whether there's specific and credible evidence that a crime may have been committed, whether you have a conflict of interest -- did either or both of those considerations come into play in this decision?

ATTORNEY GENERAL RENO: Again, any comments should be made by the Independent Counsel.

QUESTION: Can you comment on whether or not the fact that this investigation has become public has compromised the investigation?

ATTORNEY GENERAL RENO: The Independent Counsel would have to make all such comments.

QUESTION: Ms. Reno, today is the 25th anniversary of Roe v. Wade. Do you have any comment on that, and about the decision itself or about the right to an abortion in this country?

ATTORNEY GENERAL RENO: I think it has been very important to make sure that

the law is enforced, that the face statute, which went into effect in these last 5 years is enforced appropriately and properly and that the right to choice is protected. I think the Justice Department has done a good job of enforcing it, while at the same time ensuring people's freedom of speech. And we will continue in that effort.

QUESTION: Yesterday, dozens of police were arrested in an anti-corruption sting, the fifth or sixth such case already this month around the country. Are you concerned about the increase, or do you have any figures that indicate an increase in police corruption?

ATTORNEY GENERAL RENO: I think that police have the hardest job, probably, of anybody I know. They have to make hard legal decisions, sometimes in situations where their life is in danger. They generally haven't been to law school. They can't sit in a law office with their feet propped up and make a decision when they want to make a decision. They're out there on the streets making snap judgments, sometimes to protect people's lives. And I just have a great admiration for the law enforcement officials of this country.

But as there are bad lawyers and bad doctors and bad bankers, there are police officers that do not honor their responsibilities and do not fulfill their responsibilities. And I think it is important that in those situations, those people who abuse the public trust be held accountable.

QUESTION: Ms. Reno, do you have -- (off microphone) -- today of how soon -- (off microphone) -- deadline today of making a decision with regard to Secretary Babbitt -- (off microphone)?

ATTORNEY GENERAL RENO: No, I do not.

QUESTION: Will one of the things that will be taken into consideration in the Babbitt matter, his testimony before the Burton committee next week?

ATTORNEY GENERAL RENO: Again, we will review all the evidence and apply the law.

QUESTION: Ms. Reno, how concerned are you, if at all, in terms of the various ongoing independent counsel matters, about leaks coming out of those investigations? Should there be as much information being made publicly as there is?

ATTORNEY GENERAL RENO: As you know, I feel very strongly that investigations

should be conducted in an appropriate and professional manner. I don't think it aids and facilitates an investigation for it to be conducted in the press. I think it is important that all leads be pursued, that situations not be foreclosed by premature public comment, and that innocent individuals are protected from premature public comment. And that's the reason I know that you get frustrated with me some mornings when I "no comment" and "no comment" and "no comment."

At the same time, I think it is important when a matter is pending in court that the matter -- the case be tried in the court and not in the press. And for comments made outside those arenas, I get upset and frustrated. And it is a continuing problem that we must address.

QUESTION: Well, but are there legal points to address? I mean, for example, the existence of tapes has been mentioned. They're under court seal. Is it against the law to talk about what's in the tape when the tapes themselves are supposed to be secret?

ATTORNEY GENERAL RENO: Again, I would defer comment on that to the Independent Counsel.

QUESTION: Two questions for you. Is the campaign finance investigation continuing? Have you had added any new staff? And then, on Microsoft, do you have any comment on the latest round of court hearings that took place last week?

ATTORNEY GENERAL RENO: On Microsoft, I do not have any comment.

With respect to the campaign finance investigation, it is continuing.

QUESTION: Have you added any new staff?

ATTORNEY GENERAL RENO: I think that there are probably some staff that are returning to assignments and other staff that are being brought in. I will ask Bert to give you whatever would be appropriate.

QUESTION: Ms. Reno, confessed killers of an American businessman in Mexico City were turned loose this week. You may know that case. What is your reaction to that? Are you protesting to the Mexican judicial system? And, secondly, is lawlessness, indeed, in Mexico City still on the rise?

ATTORNEY GENERAL RENO: With respect to the matter, I will check with -- let

Bert check and see what we can publicly comment on. And I will ask him to follow up.

With respect to the issues of crime and drug trafficking, President Zedillo, early on, indicated that drug trafficking was one of the principal national security issues facing Mexico. And, I think, again, it is important that our two nations work together with regards to our individual -- our respective sovereignty, to put an end to this trafficking that is damaging and hurting both countries.

QUESTION: Ms. Reno, you are a political appointee of President Clinton, a member of his cabinet. This is clearly a crisis, a political crisis of the highest magnitude. Are you alarmed? Are you concerned about the seriousness of the crisis here?

ATTORNEY GENERAL RENO: I think it is important that everyone do their duty -- do their duty based on the evidence and the law, and serve the American people.

QUESTION: Ms. Reno, do you think that it is appropriate for the Independent Counsel to hold at this time an on-the-record press conference to discuss all this matter?

ATTORNEY GENERAL RENO: Again, the Independent Counsel is handling that matter, and he should be the one to comment or not to comment.

QUESTION: But, Ms. Reno, let me try one more time -- (off microphone) -- decision to sanction an independent counsel are yours alone. All your comments this morning seem to be saying, look, I'm not accountable, I'm not accountable for this, you have to talk to somebody else. These are your decisions. They're not Ken Starr's decisions. You have to decide. Is that not correct?

ATTORNEY GENERAL RENO: That's right.

QUESTION: And then why then do you refuse to discuss your decisions -- not Ken Starr's decision, your decision?

ATTORNEY GENERAL RENO: Because I will not, as I have indicated to you on numerous occasions over the last 5 years, discuss some decisions that I will ultimately be accountable for when they may affect an investigation.

QUESTION: Ms. Reno, when all is said and done, you're still the President's Attorney General. Has all of these other matters impaired your ability to work with the President or to communicate with him face to face?

ATTORNEY GENERAL RENO: As I have said on a number of occasions, I have and continue to have the feeling that any matter that I need to talk with the President of the United States about, I can do so, and have never had any difficulty in doing so.

QUESTION: Ms. Reno -- (off microphone) -- the government will give up its authority to seize the Union. Do you think the Union will be able to clean itself up without that kind of takeover threat over its head?

ATTORNEY GENERAL RENO: Let's not do "what ifs".

QUESTION: Ms. Reno -- (off microphone) -- a lot of people are concerned to try to understand the reasoning that you had in the decisions you made in this case, not, again, particular to this case, but because the question of what is the independent counsel is an open question in many people's minds. Is your answer to people who are wondering, what this means and where this goes and what are the boundaries, that they should take these issues to Congress and address this at the level of the statute; that, in effect, the Attorney General is really not the place where this question gets answered?

ATTORNEY GENERAL RENO: As I have indicated, there is a pending matter. It is being handled by the Independent Counsel. It is inappropriate to comment. And, thus, any comment should be made by the person handling the investigation. I don't want to do anything that will impair the independence. I will continue to do everything based on what I understand the evidence and the law to be. And I am sure that you and your colleagues will hold me accountable every step of the way.

QUESTION: Ms. Reno, was it a difficult decision for you to make to turn this over to Ken Starr?

ATTORNEY GENERAL RENO: Again, I just can't comment.

QUESTION: Ms. Reno, there are several members of Congress who are talking about impeachment at this time, jumping ahead of every single fact that we have and we know. What comments do you have for those people?

ATTORNEY GENERAL RENO: I would not comment on those. I think what we have got to do is watch this process. The Justice Department will continue to do everything it should be doing, based on the evidence and the law. And we will just continue in that effort.

I think it is important for everybody to focus on what their responsibilities are and do their jobs and serve the American people.

QUESTION: Ms. Reno, you said -- (off microphone) -- communication from the White House concerning the President's remark. Do you, as the Nation's chief law enforcement officer, regret that he made that comment?

ATTORNEY GENERAL RENO: I am not familiar with the context in which he made the comment. All I can say is that we are going to do what we believe to be right, based on the evidence and the law.

QUESTION: Ms. Reno, there was a report the other day about the administration is going to be more aggressive about seeking confirmation of Federal judges at the White House. Are you working with the White House on that? What's the state of play? Is that correct?

ATTORNEY GENERAL RENO: Yes, we hope to have some additional judges nominated when Congress returns. And I think everybody realizes that it is very important to get the judges whose nominations are currently pending, currently before the Senate, have their nominations heard, get the votes, and get these judges who are eminently qualified, into office.

QUESTION: What specifically is the President going to be doing on this?

ATTORNEY GENERAL RENO: The President will continue to nominate. As I understand it, we anticipate that there will be 10 additional nominations when the Senate returns. In 1997 alone, the President nominated 80 candidates. The Senate confirmed only 36. I think the first order of business has got to be to have hearings and have votes on those whose nominations are pending now to move ahead. We will continue our efforts to recommend to the President the best candidates possible.

And I think if people look at the people who are serving on the Federal bench now, they will recognize that these are people of real ability, with good judicial temperament, who are serving this Nation's judiciary with distinction.

QUESTION: General Reno -- (off microphone) confirmation -- (off microphone)?

ATTORNEY GENERAL RENO: I spoke last summer at the American Bar Association, calling on the Senate, and urging that the nominations be considered promptly, that there should be votes, that these people should be confirmed. And

I will continue to speak out in that regard.

I think everyone is realizing how important it is that we have a judiciary that is fully staffed. Nothing is more frustrating in a system, whether you be a prosecutor, defense attorney, civil litigant, than to see justice delayed. I know from my own experience as a prosecutor in Miami how frustrating it was when caseloads were so high or positions weren't filled and cases weren't being heard. And I think it is important that we make sure that the judiciary has the judges that Congress has authorized, Congress has paid for. It's not a matter of expanding, it's a matter of filling vacancies. And I hope with all my heart that we can get at it in a bipartisan spirit when Congress returns.

QUESTION: Well, Ms. Reno, do you agree at all with Chief Justice Rehnquist, who also levelled some blame with the Clinton administration for not putting enough nominees up? Do you agree with any of his criticisms? Certainly he criticized the Senate --

ATTORNEY GENERAL RENO: I think it is important that the nominations go forth. But as I pointed out in 1997, the President nominated 80, the Senate confirmed only 36. The President hopes to nominate 10 more when the Senate returns, as soon as they return. We will continue to have distinguished candidates before the Senate. And we look forward to working with Senator Hatch and others in getting these people confirmed, getting a judiciary that is fully staffed.

QUESTION: Ms. Reno, quite apart from the problem that vacancies create in terms of the workload on judges and the administration of justice, how much time judges have to spend on each case and so forth, what about this issue of delay -- what has been delayed by the shortage of judges? Do you know of any cases that haven't come to trial -- civil cases the Department is working on?

ATTORNEY GENERAL RENO: I would ask Bert to furnish you with the information that we have received from judges concerned about increased caseloads and delay.

QUESTION: Ms. Reno, can you speak at all about to what extent you have been briefed, informed, specifically about this case that Starr is investigating, you know, with Clinton at this time? Are you getting information from him? Or can you comment at all about what you know?

ATTORNEY GENERAL RENO: I, again, will tell you that any comments -- that the whole purpose of an independent counsel statute is to have a provision that provides for an independent counsel. If the Justice Department or the Attorney

General continues to comment, that, I think, runs the danger of impairing the independence of the independent counsel or, in some way, interfering with the investigation. And I am bound and determined to make sure that this is done the right way.

QUESTION: So you cannot say that you have received anything or that you have received any information or no information; you cannot comment on that?

ATTORNEY GENERAL RENO: I cannot comment on that.

Thank you very much.

(Whereupon, at 9:56 a.m., the press conference concluded.)