



UNITED STATES DEPARTMENT OF JUSTICE

Press Conference

THE HONORABLE JANET RENO, ATTORNEY GENERAL

Thursday, February 11, 1999

9:28 a.m.

P R O C E E D I N G S

(9:28 a.m.)

QUESTION: Good morning.

ATTORNEY GENERAL RENO: Good morning.

QUESTION: Ms. Reno, for some weeks and months now, we've asked you about OPR's inquiry into allegations against Kenneth Starr. About a month ago, your response to these questions changed from status quo ante to no comment.

ATTORNEY GENERAL RENO: You sound like a lawyer, with those fancy words.

(Laughter.)

QUESTION: Well, the answer changed from no change to no comment, which set everybody off into flurry.

We know now that OPR, or the Department, told Starr that there will be an investigation of some of these allegations. Now that information is coming out in drips

and drabs during the impeachment deliberations. Wouldn't it have been simpler just to have told us straight out in January that this event occurred, rather than go through a period of confusion and have the story slip out anyway?

ATTORNEY GENERAL RENO: As I have said all along, I try not to comment with respect to the Independent Counsel's function. I will, however, continue to look to see how I may comment that is fair to all concerned, consistent with the law and consistent with ethical considerations.

QUESTION: And that comment would be?

ATTORNEY GENERAL RENO: I will continue to search for ways that I may make such comments.

QUESTION: Does that mean you have not found a way to make a comment?

ATTORNEY GENERAL RENO: If I can determine a way to properly make a comment concerning this matter that would be fair to all concerned and would adhere to the law, I will do so.

QUESTION: Well, let's try a couple of questions and see if you can find such a comment.

One of the things that I think people are puzzled about and that really goes to the heart of this matter is whether you are looking at an investigation, the end of result of which could possibly lead to the dismissal of the Independent Counsel himself, or whether it is instead an inquiry into allegations of improprieties, of not following Justice guidelines, by Assistant U.S. Attorneys who just happen to be working for Judge Starr.

And I think there's a huge difference in the gravity of those two types of inquiries. And I think, because of the intense public interest in the whole Starr investigation, it would be very helpful if you could give us an indication which it is.

ATTORNEY GENERAL RENO: I'm sure it would be helpful to you,

but I must adhere to the statements that I made.

QUESTION: Ms. Reno, doesn't the Department have a potential conflict of interest in looking at these matters while Starr's investigation is still ongoing?

ATTORNEY GENERAL RENO: The statute provides for certain authorities of the Department and the Attorney General.

QUESTION: Ms. Reno, would you have authorized an expanded inquiry into the Lewinsky matter if you had known about contacts between Mr. Starr's office and the Jones lawyers?

ATTORNEY GENERAL RENO: I would not comment in any way one way or the other.

QUESTION: In the same vein --

ATTORNEY GENERAL RENO: You've already had a chance.

QUESTION: Well, I would like one more.

ATTORNEY GENERAL RENO: Mr. Searle hasn't had a chance.

QUESTION: Thank you.

ATTORNEY GENERAL RENO: You can one when everybody else is through.

QUESTION: Ms. Reno, these questions are no posed to be helpful to us. It's obviously a matter of considerable public interest.

Your prior policy has been to defer to Judge Johnson when there were matters before the court regarding OIC. I was wondering whether you could explain to us whether that policy would determine that when the Judge has ruled on specific allegations that those rulings would be determinative in terms of your judgment of OIC behavior?

ATTORNEY GENERAL RENO: It would depend on the circumstances

and what the Judge's decision covered.

QUESTION: Thank you.

QUESTION: Ms. Reno, can you tell us which issues did you discuss yesterday with Mexican officials? Was there something about drugs cooperation?

ATTORNEY GENERAL RENO: We discussed what we have been doing together and what we hope to do together in the future.

QUESTION: Attorney General Reno, on another subject. There has been a lawsuit filed against the government, asking for D.C. voting rights. The President supposedly is for the expansion of D.C. voting rights. He's for Statehood. And he's definitely -- he has said he's for congressional representation.

But in the voting rights lawsuit, the Justice Department continues to fight for expansion and further hamper the enfranchisement of District of Columbia citizens. Doesn't this seem to be contradictory? And why doesn't the Justice Department not defend this, since it's a contradictory move to the administration's position, which is one person, one vote, and further voting rights for D.C.?

ATTORNEY GENERAL RENO: Our brief dealt only with the legal question of whether the change to the District's constitutional status could be accomplished through this lawsuit. And because of the constitutional provisions governing the composition of Congress, we determined that it could not be. It was a constitutional issue.

QUESTION: I saw that Mr. Daley is the defendant in the lawsuit. If Mr. Daley wrote you and said, we think we're at fault, don't defend the lawsuit, what would you do?

ATTORNEY GENERAL RENO: We would be interested in his legal authority.

QUESTION: So then you would still continue to defend the lawsuit?

ATTORNEY GENERAL RENO: What we have is a situation where when the Constitution provides for certain structures, we are bound by the Constitution. And in this instance, we have filed a brief, setting forth the constitutional provision that governs it.

QUESTION: And my final question. A major provision is that D.C. is not a State. I read the brief. That's your only thesis. Does it not seem at all contradictory that the administration is for the expansion of voting rights? This is the only place in the country where citizens of the District of Columbia, the citizens of the United States, do not have full congressional representation? Don't you think that's at odds?

ATTORNEY GENERAL RENO: I would like to see them have it.

QUESTION: If you would like to see them have it, why don't you stop fighting the lawsuit?

ATTORNEY GENERAL RENO: Because the Constitution is at issue, and we have set forth our best construction of the Constitution. I think there may be a political solution to the problem. And I think we should search for that.

QUESTION: What would that be?

ATTORNEY GENERAL RENO: I leave that to the others to decide.

QUESTION: My final point is, even before the voting right, it was done by constitutional amendment in 1978. It failed. It went through the constitutional amendment process. It passed by two-thirds of both the House and the Senate. It failed in three-fourths of the States.

Is it the position of the Justice Department that it does not require a constitutional amendment, that it can be done simply with the majority vote of the House and the Senate?

ATTORNEY GENERAL RENO: I will ask that Myron give you a clear statement of what we can say with respect to what

would be needed.

QUESTION: Ms. Reno.

ATTORNEY GENERAL RENO: Now he gets a chance before you do.

QUESTION: Ms. Reno.

ATTORNEY GENERAL RENO: Go ahead.

QUESTION: Ms. Reno, have you consulted with U.S. Attorney White or perhaps the Mayor of New York on the shooting in the Bronx, in which the police officers fired 41 times? I am sure you aware the family and some elected officials are calling for Federal jurisdiction in this case.

ATTORNEY GENERAL RENO: I have not talked to Ms. White directly, but I have been in communication on a regular basis with Bill Lee, the head of the Civil Rights Division, who has talked with Ms. White, and is meeting with others concerning that matter.

QUESTION: Ms. Reno, any possibility of a review of police shootings in New York, such as is underway right now by your office, or the Attorney's Office, here on the shootings in the District?

ATTORNEY GENERAL RENO: I know of no plans at this point. But we will always continue to review that, to see whether that would be appropriate.

QUESTION: Ms. Reno, I wanted to ask you about the Miranda decision. As you know, there is this 1968 law that Congress passed, and recently the Fourth Circuit interpreted it as overruling, essentially, Miranda. Why has the Department never enforced the 1968 law? And what's your position on its constitutionality?

ATTORNEY GENERAL RENO: We have reviewed it carefully and have determined that the Supreme Court has concluded that it is constitutionally, based since it has applied it to the States, as well. In this administration and in other

administrations preceding it, both parties have reached the same conclusion. And thus, it would be up to the Supreme Court to make the determination that it was not constitutionally based.

QUESTION: Ms. Reno, can you tell us a little bit about the timing of this decision to perhaps move forward with the investigation of Starr? Was there any discussion of the fact that this letter was sent to Starr right in the middle of the trial? Was that a factor at all, one way or the other?

ATTORNEY GENERAL RENO: I would not comment.

QUESTION: Can you respond to some complaints that are ruffling from people around Starr that this is somehow payback, that this is politically motivated, specifically because Starr forced Secret Service agents to testify?

ATTORNEY GENERAL RENO: I have tried my level best to do this the right way, to ensure that there was no effort whatsoever to interfere with his investigation. And I am convinced that nothing has been done. But I will continue to work to ensure that result.

QUESTION: Do you believe that Mr. Starr and his crew have the right to indict the President of the United States for civil -- I mean -- for criminal charges? Is this a power that Mr. Starr has in your opinion?

ATTORNEY GENERAL RENO: I would not comment on that except to ask Myron to provide you with what I understand is public records, which contains the policy or the statements made by the Office of Legal Counsel in one administration after another.

QUESTION: Ms. Reno, correct me if I'm wrong, but I think some weeks ago, I thought, in answer to a question from Beverly, you said that you were not aware of any contact between -- in January 1998 -- you were not aware of any contact between Starr's staff and the Paula Jones legal team. Is that correct?

ATTORNEY GENERAL RENO: I'll be happy to check back and see exactly what I said.

QUESTION: I believe that's what you said.

ATTORNEY GENERAL RENO: Well, let us check that and see.

QUESTION: Well, given that, do you feel that the Department, or you personally, were manipulated by -- in this process -- so that the Starr investigation could be expanded?

ATTORNEY GENERAL RENO: I would not comment.

QUESTION: Ms. Reno, can you comment on whether there would be any circumstances in which that kind of contact would be proper?

ATTORNEY GENERAL RENO: I do not do "what if's."

QUESTION: Is Starr's office precluded about talking about this?

ATTORNEY GENERAL RENO: That would have to be a determination made by Judge Starr.

QUESTION: About a year and a half ago or so, as I recall, in response to an inquiry from a citizen, complaining about potential conflicts of interest involving Mr. Starr's other litigation, OPR wrote a letter which stated that the threshold for an investigation of an independent counsel was an allegation, if proven true, would result in removal. Does that still stand as Department policy?

ATTORNEY GENERAL RENO: That statement made in that context stands, yes.

QUESTION: Can you elaborate? When you say "in that context," that's qualifying the policy significantly.

ATTORNEY GENERAL RENO: In every instance -- I do not want

to take anything out of context. And in that context, that policy applies. I just want to make sure that someone doesn't create a factual situation that may be slightly different than that context, in which it would not apply.

QUESTION: Ms. Reno, the independent counsel statute expires in June. What's your timetable for making a recommendation on whether that statute should be kept or dropped or changed? And what are some of the factors you will be looking at when you make that recommendation on this 20-year-old law?

ATTORNEY GENERAL RENO: I understand that I will be testifying some time in March before Senator Thompson's committee in the Senate. As I have explained before, Eric Holder has pulled together a committee to consider this issue. I am awaiting its report, and will make appropriate comments at the hearing.

QUESTION: Ms. Reno, there have been reports that the whole Starr situation has caused not only grave tensions between you and Mr. Starr, but also some exchanges between you and your own deputies, warning that if you tried to discipline or move in it could prove another Saturday Night Massacre, similar to Watergate. Any comment on those reports about the levels of tension and animosity that this has caused?

ATTORNEY GENERAL RENO: I do not feel any tension or animosity. I just see everyone trying to work together to figure out what the right thing to do is.

QUESTION: Ms. Reno, returning for a moment to the question of the threshold for investigation, can you say what the options are? I mean if that threshold might be out of context, as you suggested, what is in context, what is the threshold?

ATTORNEY GENERAL RENO: I would refer you to the law with respect to what authority the Attorney General has. And that's the option.

QUESTION: And if not for the law, the only option is

removal, correct?

ATTORNEY GENERAL RENO: I would refer you to the law.

QUESTION: Ms. Reno, there is no question of interpretation of the law?

ATTORNEY GENERAL RENO: I would refer you to the law.

QUESTION: But, Ms. Reno, the law says "good cause." And you're probably the only one around this table that knows what good cause means in this context. What is good cause in the Independent Counsel Act?

ATTORNEY GENERAL RENO: I would not comment.

QUESTION: Ms. Reno, another D.C. issue is the citizens of the District of Columbia voted for an initiative, called Initiative 59. The Congress said that the results of the initiative could not be certified, and the results could not even be published. The Justice Department has gone in to defend that position.

Isn't that also another contradictory move for the Justice Department, so that people of the District of Columbia were not even able to find out the results of an election in which they cast votes?

ATTORNEY GENERAL RENO: The Department of Justice has a responsibility which has been exercised by one administration after another to try, when there is a good-faith argument for upholding the law, to defend a law passed by Congress.

QUESTION: You said that, in reference to the other question, you think the citizens of D.C. should have the vote. Do you also think that the citizens of D.C. should be able to know the results of an election which they cast their votes in?

ATTORNEY GENERAL RENO: Yes.

QUESTION: On your forthcoming trip to South Africa, can you outline exactly how you think you can help South Africa with their rising levels of crime, and exactly how concerned the United States is for the political stability of the country in the run-up to the elections, given the increase in violence?

ATTORNEY GENERAL RENO: It is my hope that rather than saying how I can help to meet with my counterparts in South Africa and discuss matters of mutual concern both in this country and in South Africa, and to find out how we might be effective in terms of assistance, training, sharing our experience in the United States, and doing everything we can to build a partnership between South African authorities and us to deal with the issues of international crime.

As I have said on a number of occasions at this table, crime is becoming more international in its consequence. Drug trafficking, organized crime, so many issues cut across numerous boundaries. And I think partnerships such as we seek to build with the Government of South Africa can be very beneficial to all concerned.

QUESTION: On the rising levels of crime, and particularly political violence, is there any words of advice that you will be offering to their government, or are you concerned that they do not have the power to deal with it effectively?

ATTORNEY GENERAL RENO: I think we will be discussing with them what they think might be helpful, giving them a range of ideas, talking about our experiences. I will share with them what we have done in these last six years to bring violence down, street violence down in this country, and pointing out that there is no on answer to the effort, that it requires people working together, authorities engaged in efforts that provide for both prevention and fair enforcement, and follow-up and after-care.

QUESTION: Ms. Reno, has the Department received a referral from Congress concerning allegations about Sidney Blumenthal?

ATTORNEY GENERAL RENO: Not to my knowledge.

QUESTION: And has the Department made a determination of whose authority it would be to investigate should there be a need for an investigation of this from your or Starr's office?

ATTORNEY GENERAL RENO: As I indicated, we have not received a referral. And I would wait until I saw the referral to determine what the appropriate response would be.

QUESTION: Ms. Reno, do you believe Mr. Starr would need expanded authorization to look into at Blumenthal, or is that close enough to his own case that he could look into that immediately?

ATTORNEY GENERAL RENO: I would have to look at the referral to make sure that I understood all the facts before I made such a comment.

QUESTION: Ms. Reno, CitiGroup, who is the largest bank issuer of credit cards in the Nation, just announced that they are pulling out of -- (off microphone) -- do you view that as a positive development towards the Department's goal of encouraging competition between these two credit card companies?

ATTORNEY GENERAL RENO: What I would like to do is let the Antitrust Division comment, since these are issues that are now before them. And it would be more appropriate for them to comment, so that it is done in the right way.

QUESTION: Ms. Reno, has the Department notified the White House of the Starr probe or seek additional information from them?

ATTORNEY GENERAL RENO: The Department has not been in contact with the White House concerning this matter.

QUESTION: Ms. Reno, in regards to the fiscal year 2000 budget, it appears that there is a cut in Federal assistance for State and local law enforcement agencies.

I'm wondering why things such as the local law enforcement --

ATTORNEY GENERAL RENO: I'm sorry, could you speak a little bit louder?

ATTORNEY GENERAL RENO: In the fiscal year 2000 budget, there appears to be a cut in Federal assistance to State and local law enforcement. Grants such as the local law enforcement block grant, grants to State prisons, they all seem to be eliminated. Why is that?

ATTORNEY GENERAL RENO: In the 1994 Crime Act, we talked about how we could provide some immediate assistance to State and local law enforcement, through community policing initiatives, through prisons and through other means, to address the problem of violence in this country. It was recognized that, consistent with principles of Federalism and States' interest in maintaining their independence, that it phase out over the next six years. And I think everybody has understood that.

What we have continued to try to do, because I am so committed to making sure that we don't become complacent and accept the fact that crime is down six years in a row, so we should close up shop and go home on the effort, that we have talked with State and local law enforcement to find out what it is that is most important to them, to provide targeted grant situations, where we can really meet their needs. And what they said, again, was they would like the continuation of the COPS program, which has worked.

But, again and again, they talk about the need for technology, both at the State and local level. And what we are trying to do is to develop, again, a targeted response that will provide them with the technology they need to be most efficient and to go further in terms of developing a shared capacity, so that for expensive technology that does not have to be duplicated in all 50 States, we can share that technology in a reasonable way.

QUESTION: Ms. Reno, it was reported, I think reliably, that

drug arrests and seizure of major drugs -- cocaine and marijuana, heroine -- have gone down substantially in Mexico. And I take it that that is not due to increased enforcement and is not a success. Do you have any comment about that particular statistic?

ATTORNEY GENERAL RENO: I do not have a comment about the particular statistic. I do not know whether it is accurate or not. I do know that the Mexican authorities have worked with us as never before to address issues of concern. I know that they sometimes feel frustrated. But I think they are committed, and very recently announced a significant financial commitment to drug enforcement for the future.

QUESTION: It is reported by those in the know in Mexico and outside that Mexico feels that the drug smuggling problem, the trafficking problem, is an American problem and not their own. Have you ever run into that sentiment?

ATTORNEY GENERAL RENO: People sometimes reflect that the demand exists in this country and we should be doing something about the demand. Which we are through General McCaffrey's leadership. We are approaching the problem from the point of view of prevention, intervention, enforcement and interdiction. And we will continue in that effort.

But I think, as we deal with all of these issues, it is important that we create partnerships between law enforcement agencies, so that we deal with problems that are everybody's problem. For Mexico, the President of Mexico has described drug trafficking as one of its major national security problems. For us, it has had a dramatic impact in this country historically.

We have got to continue to work together and work with each other at home to finally substantially reduce and eliminate the illegal use of drugs in the country.

QUESTION: And, finally, James Ruben, yesterday, at State, said that there may -- I think he said that there were actions going on behind the scenes to break up the major cartels that have become so rich, and every day, every

week, become richer and more capacitated to corrupt through those riches. Is there something going on behind the scenes that we are going to be very pleased to see come along when it comes to the cartel of Juarez or the cartel of the Arrianno brothers?

ATTORNEY GENERAL RENO: I would not comment except to say that we, without specific reference to any particular target, continue to try to do everything we can to work with the Government of Mexico. My counterpart in Mexico has been just a great partner in this effort. And we will continue that whole initiative.

QUESTION: Should Mexico be certified?

ATTORNEY GENERAL RENO: That will be a decision that the President makes.

QUESTION: If I could go back. Are you absolutely confident that nobody in the Justice Department had any discussions with anybody in the White House about this investigation of Mr. Starr?

ATTORNEY GENERAL RENO: To my knowledge, no one has had such a discussion.

QUESTION: In December, a French court heard a request for extradition of Ira Einhorn, who is convicted of murder in Philadelphia and residing in France. And a decision is due next week. And I wonder if, in the two months that has passed since that time, the Department has communicated any guarantees or other information to the French court or Government that would make it more likely that this extradition will come to pass?

ATTORNEY GENERAL RENO: If you are referring to our assurances with respect to the death penalty, we have assured the Government of France that he would not be subject to the death penalty.

QUESTION: And in the intervening period between the hearing and now, that's sort of my --

ATTORNEY GENERAL RENO: Let me have -- I do not have the chronology, so I will ask Myron to provide you with the precise chronology.

QUESTION: On that subject, Deputy Attorney General Holder told us last week that we have also made assurances for a new trial -- Mr. Einhorn was tried in absentia -- on behalf of the State.

ATTORNEY GENERAL RENO: I think that may have been before, but we will provide the chronology so that we are as precise as we can be.

QUESTION: Ms. Reno, the Senate is scheduled to vote either today or tomorrow on the Articles of Impeachment, and the country has gone through this more than a year now. Do you have any thoughts about what this whole process has done to the country?

ATTORNEY GENERAL RENO: I think the Senate has it under consideration now, and the Senate should act, without my comments.

QUESTION: Ms. Reno, were you formally asked by Senator Thompson's committee to appear?

ATTORNEY GENERAL RENO: I do not know whether it's formal or informal, but I will ask Myron to tell you whether it's formal or informal.

QUESTION: But I mean what form did it take?

ATTORNEY GENERAL RENO: Well, I will ask Myron to tell you what form it took. I do not know whether it was a telephone call, a letter or what.

QUESTION: For weeks and months you have said that some charges that were brought to you regarding Ken Starr's office have been dismissed. Can you give us any more guidance on which ones have been looked at and dismissed?

ATTORNEY GENERAL RENO: No.

QUESTION: Just a historical footnote, during your tenure, has the Justice Department ever undertaken a disciplinary action against an attorney working for an independent counsel on a matter regarding the conduct of an investigation or prosecution as separate from an investigation of an independent counsel?

ATTORNEY GENERAL RENO: What I will do is ask Myron to look at what we can comment on. And I am not commenting on whether there is one or isn't one. There are privacy issues involved, if there is one. So, I would like Myron to check for you and provide you with as full and complete information as we can.

QUESTION: Are there anything enclosed that you know of? Is this something -- I mean is there a procedure that allows for disciplinary action against an attorney --

ATTORNEY GENERAL RENO: I do not want to create any expectation that there is any information, that the answer to your question is yes or that it is no. What I want to do is to make sure that we provide you with the most complete information that we can, consistent with the Privacy Act. And let Myron follow up with you right after this.

QUESTION: Just as a matter of policy, is there a provision that allows for a separate investigation of an attorney for an Office of Independent Counsel as opposed to the holder of the mandates?

ATTORNEY GENERAL RENO: My understanding is that if a Department of Justice employee is detailed at the Independent Counsel, our rules and regulations and disciplinary process can still govern him or her. But let me have Myron provide you with the precise answers to your questions, if we can.

QUESTION: Ms. Reno, in the context of the Justice Department's scrutiny of Judge Starr, Senator Hatch was quoted recently as saying this Justice Department, in the

eyes of many, is the most partisan Justice Department in this century. What's your reaction?

ATTORNEY GENERAL RENO: As I have told you on a number of occasions, I have a great respect for Senator Hatch. And I think if he looked at the record, he would see that I have been damned by both sides and will continue to try to call it like I see it.

QUESTION: When will you be going to South Africa, and is that the only country that you'll be visiting?

ATTORNEY GENERAL RENO: When? On that trip?

QUESTION: That trip, right.

ATTORNEY GENERAL RENO: Yes, it will be -- it looks like I will be leaving on Tuesday.

QUESTION: March 8th, Ms. Reno, is the next date for the Justice Department to file on the D.C. voting rights lawsuit. Is there any situation by which the Justice Department would stop fighting the lawsuit?

ATTORNEY GENERAL RENO: I would not comment at this point. But I would ask Myron to check with the lawyers involved to see if there was any way that we would comment.

QUESTION: Are you open to stop -- there are precedents -- the are two where the FBI agents (off microphone) discrimination and where the black farmers and the Agriculture Department -- those are the two precedents cited, where the Justice Department was sued, or the U.S. Government was sued, and they conceded fault. Is that a possibility in the Justice Department?

ATTORNEY GENERAL RENO: My whole approach to things is I try to do the best I can. And if somebody points out that I've made a mistake, then I try to correct it.

QUESTION: Mr. Holbrooke was assessed a fine of \$5,000 and apparently now is cleared by the Justice Department to

continue his nomination. Ma'am, was that fine assessed for reasons of some culpability on the part of Mr. Holbrooke or can you tell us how that case has gone?

ATTORNEY GENERAL RENO: It was a civil fine, and it was reflective of the fact that he gained no monetary benefit as a result, and it was consistent with other cases which have been handled in the same fashion.

Thank you.

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