



WEEKLY MEDIA BRIEFING WITH ATTORNEY GENERAL

JANET RENO

U.S. DEPARTMENT OF JUSTICE

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Q Ms. Reno, I imagine the vice president is hopping mad this morning. In the middle of a presidential campaign, a report comes out on the Justice Department that a top prosecutor has made a preliminary recommendation that you appoint a special counsel to investigate the vice president's statements.

I think it would be inconceivable that this development would take place without some new information being developed, something other than what you have looked at and rejected in the past. Can you tell, not just the reporters, but the American people, who will judge the vice president in the fall, whether some new information is propelling this latest development?

ATTY GEN. RENO: The most important thing in any investigation, particularly in this time of year, is that we conduct an investigation the right way -- not in the headlines, not with pressure from people who may have differing views -- but just do it right -- methodically, carefully, without commenting on it -- and get it done as quickly as possible, and then make whatever decisions are the correct decisions, based on the evidence and the law.

If we let some in the media -- never you -- (chuckles) -- push inappropriately without knowing the facts, if we let people think that because they leak something, they can pressure us into decisions, that just won't work. We have got to do this as objectively and as carefully as possible, and that's what I am committed to doing.

Q Ms. Reno, in all due respect, the political damage to the vice president has already occurred.

The headlines this morning took care of that. Right now you're not just talking to a bunch of reporters who are looking for headlines; you're talking to the American people, who will vote in the presidential election.

ATTY GEN. RENO: That's why I look that way. (Laughter.)

Q Wouldn't it be fair, not only to the public but to the vice president himself, if the department was as upfront and as detailed about this investigation or inquiry, or whatever you want to call it, as possible?

ATTY GEN. RENO: The worst thing you can do in an investigation is dribble it out, piece by piece, without presenting the whole and without completing the whole. And that's what I'm determined to do. I don't want to present half-facts.

I don't want to present a piece here and a piece there that may not be subsequently corroborated. I want to do it the right way.

Q Ms. Reno --

Q Ms. Reno, have you received any allegations of misconduct against members of the campaign finance task force over the leaking of information to Senator Specter?

ATTY GEN. RENO: No, I have not.

Q Ms. Reno, can you say when the recommendation was made to

you? Was it last week?

ATTY GEN. RENO: I don't comment on any timing with respect to any details of an investigation.

Q Ms. Reno, you've made a number of independent -- you've sought a number of independent counsels. But some of the critics say that there seems to be more scrutiny, more careful consideration when it comes to the vice president and the president.

What do you say to those critics?

ATTY GEN. RENO: That there is more -- ?

Q More scrutiny, more careful consideration when it's regarding the president and vice president.

ATTY GEN. RENO: All I can tell you that -- from my personal point of view, the time that I have spent on every independent counsel issue, for anybody concerned, has been intense and as thorough as I possibly could make it.

Q Ms. Reno, what is to prevent -- under your guidelines, under Justice Department guidelines, prevent the FBI from surveying any public dispute between two groups of politicians about an event, bringing one of those politicians in for questioning, and then saying, because they in effect side with the other side in saying, "Well, that person made a false statement" -- I mean, doesn't that at some point become a tool of intimidation? Do you have anything that governs that process?

ATTY GEN. RENO: What I want to try to do is, by my conduct, by my action, by trying to do the investigation the right way, by trying to keep it out of the headlines, I want to make sure that people are not intimidated, that things are not piecemeal, provided in a way that does not get to the whole truth. I want to try to make sure that investigations get to the truth and that justice is done.

Q I think what he was talking about was the possibility

that the FBI, in pursuing what some people call just a scandal, not a crime, the vice president's participation in this Hsi Lai Temple fundraiser, which arguably did not consist of any crime but is politically embarrassing -- if the FBI were to keep asking questions, aren't they sort of setting him up?

ATTY GEN. RENO: And I want to make sure, not in the context of this particular case, but any case, that nobody is set up, that the matter is done correctly, and that through the decisions I make, I ensure an objective, fair, proper, professional investigation that gets to the ultimate end, which is justice.

Q Ms. Reno, on this timing, how concerned are you, whatever you decide, whatever course you take, about affecting a presidential election? This is a different type of decision you've been confronted with than before, because of the timing of this, and the fact that the vice president is the presumptive Democratic nominee for president.

ATTY GEN. RENO: I want to make sure that the investigation is done the right way, that it is done to seek justice, and that it is done fairly, so that it does not interfere with the democratic process.

Q Have you directly spoken with Mr. Conrad on this subject yet?

ATTY GEN. RENO: I don't discuss what I -- who I talk with.

Q Ms. Reno, would you have to find that there was some type of crime or some -- at least the possibility of a crime regarding the Hsi Lai Temple incident, or would it be enough to appoint a special prosecutor simply because there are -- there's good evidence that the vice president may have lied during this interview?

ATTY GEN. RENO: It -- the regs provide that -- attorney general or, in cases in which the attorney general is recused, the acting attorney general will appoint a special counsel when he or she determines that criminal

investigation of the person or matter is warranted, and that investigation or prosecution of that person or matter by a United States attorney's office or litigating division of the Department of Justice would present a conflict of interest for the department or other extraordinary circumstances, and that under the circumstances it would be in the public interest to appoint an outside special counsel to assume responsibility for the matter.

It goes on to say that when matters are brought to the attention of the attorney general that might warrant consideration of appointment of a special counsel, the attorney general may A, appoint a special counsel; B, direct that an initial investigation consisting of such factual inquiry or legal research as the attorney general deems appropriate be conducted in order to better inform the decision; or C, conclude that under the circumstances of the matter, the public interest would not be served by removing the investigation from the normal processes of the department and that the appropriate component of the department should handle the matter.

Q Have we already done B?

ATTY. GEN. RENO: I don't comment on what I've done.

Q But, I mean, if -- we know Mr. Conrad has already -- I'm just wondering if -- that's if an allegation comes in over the transom.

Was the fact that there is already a campaign finance task force -- Mr. Conrad has said in his testimony to Senator Specter's committee that he's investigated this -- does that mean that B has already happened?

ATTY. GEN. RENO: I don't comment.

Q Okay.

ATTY. GEN. RENO: I don't comment --

Q (Cross talk) -- if I could follow up? So the only

standard in the regulations is "if an investigation is warranted," so it's a very open-ended kind of standard?

ATTY. GEN. RENO: That's not the only standard. If the investigation is warranted, and the investigation or prosecution would present a conflict of interest or other extraordinary circumstances, and, under the circumstances, it would be in the public interest to appoint a special counsel.

Q The first, sort of, trip-wire, "warranted," is not otherwise narrowed down? It's very discretionary.

ATTY. GEN. RENO: That's correct.

Q In two previous instances, one involving the vice president, one involving Mr. Freeh, in which there were questions about false statements involving briefing documents that seemed to contradict things that were said, you operated under the then- independent counsel statute. Is this a very different standard you're operating under now, or are you basically using the same kind of criteria?

ATTY. GEN. RENO: The two are different, and I've spelled out here what the regulations provide.

Q Well, can you explain how different they are?

ATTY. GEN. RENO: The Independent Counsel Act had some specific steps which required, with a covered person, that the act be triggered and that it prevented the attorney general of the Department of Justice from taking certain steps, such as using the grand jury and the like.

Q Ms. Reno, we are entering the final phase of the presidential campaign. Can you explain to the American public how you go about making these decisions, particularly the issue of conflict of interest? Because it's been well-documented -- Freeh has said that the Justice Department has an inherent conflict of interest on these matters. And again, the time of the year does seem to play in terms of the significance of the upcoming decision

you have to make.

ATTY. GEN. RENO: I try to look at facts, and I am now talking about an investigation generally; I am not talking about specifics or a specific decision, whether it be a special counsel, whether it be a decision to charge or not to charge.

Those are the issues that I look at when it comes to me. I take all the evidence that I have, all the information that I have.

I look at the law.

I hear from all the people who have expressed opinions or give them an opportunity to be heard from or read their memorandum.

I look at the regs that may govern a particular situation. I try to be as thorough as I possibly can.

And then I make the best judgment I can based on the evidence and the law and go forward.

Q Ms. Reno, how important -- how much weight do you give to the fact that now, not only Louis Freeh, but two different people who are your subordinates, charged with heading up this investigation, have now come to this conclusion?

These are people presumably, that you have confidence in; otherwise, you wouldn't have appointed them to head the task force.

How important is it that now different people in that same position have come to the same conclusion about appointing an independent counsel?

ATTY GEN. RENO: They have not come to the same conclusion because, first of all, you can't comment or I can't comment on the facts and I can't really confirm for you that the two issues are the same.

But if you ask the question in a more general way -- (chuckles) -- we have seen the LaBella and Freeh memorandum, and don't they indicate that a special counsel, or at that time an independent counsel, should have been appointed? I think if you look at it and you look at what has happened, it confirms that we were correct in our decision. I can't comment on the pending issue because, as I have said, the investigation should not be conducted in the press; it should be done the right way.

Q Ms. Reno, could you expand a little bit on what you mean when you say, if we now, today, look at the LaBella and Freeh memos, it will be clear that you were right at the time?

ATTY GEN. RENO: You can go through each piece of the LaBella- Freeh memo and, I think, see what our concerns were and why I made the decisions I made. I had to look at specific evidence and determine whether there was "specific and credible" information to believe that "a crime may have been committed by a covered person." I think, if you'd look at that and look at all that has come out, it is clear that, based on the information that we had at the time, the judgments were correct.

Q Ms. Reno, are you doing anything about the fact that material information was apparently leaked to Senator Specter?

ATTY GEN. RENO: I am reviewing the matter to see what would be appropriate.

Q Well, what constitutes that review? Are you questioning members of the task force who had privy to this knowledge?

ATTY GEN. RENO: I am trying to figure out what the appropriate thing to do would be.

Q Ms. Reno, there is no particular time constraint on you making this decision, under this law, from my understanding. Can you give us an idea when you might make this decision? Will you -- (inaudible) -- this report --

(inaudible)?

ATTY GEN. RENO: I cannot comment on what decision I may or may not have to make because that would be the comment on the investigation. What I want to do is to complete the overall investigation as expeditiously as possible, be accountable as much as I possibly can, make the best decision I can, make it free of pressure from anybody, so that at least the American people can understand that the decision was made in the best manner I could and not by other people dictating or pressuring me into making the decision.

Q Are you still planning to testify before Senator Specter next Tuesday?

ATTY GEN. RENO: If he wants me.

Q And do you think you'll be able to tell him anything that you're not able to tell us this morning?

ATTY GEN. RENO: I don't know what he is going to ask me.

Q Ms. Reno, you have picked the word "pressure" three times, now, this morning. Do you believe Senator Specter leaked this information to turn up the heat on you?

ATTY GEN. RENO: You'd have to ask him.

Q Well, what do you think when you heard him make those statements? This was a big secret in the department before he announced it yesterday.

What other motive could there be? He has been investigating the actions of the task force for some months now.

ATTY GEN. RENO: He could say it's part of his oversight responsibility.

Q Ms. Reno, a very veteran reporter that I respect said several months ago that there were only three times in his life when people tried to put other people in jail because

of political reasons: Once was during the McCarthy era, the second time was during Iranian- Contra, and the third time is now. Are these criminal investigations being so politicized that they have left the realm of fairness?

ATTY GEN. RENO: I would hope with all my being that the investigations that we have conducted to date and the decisions that I have made have been fair decisions and have not been politicized. And I am going to do everything in my power to see that any decision that I make is made without political influence from anyone, without pressure from the media that can sometimes get it stirred up.

Q Ms. Reno, the White House, after these interviews, said that the vice president was told that he was not a target of the investigation.

Is that true statement?

ATTY GEN. RENO: I can't comment.

Q You've said -- you've made it clear, understandably, you want to make this decision without pressure from anyone.

Is there a self-imposed pressure from yourself, given the calendar?

ATTY GEN. RENO: I think that any time you look at something like this, an investigation, just the general investigation respecting campaign financing, that you want to conclude it as quickly as possible, consistent with achieving justice.

But nothing should be rushed, because too often, when we rush to justice, we don't get it.

Q Ms. Reno, more generally, under the independent counsel statute that Ken Starr worked under, there was some feeling at least that maybe the independent counsels were sort of running out of control and spiraling beyond their mandates.

Do you have any sense of whether a special prosecutor -- I think you've exercised -- you've created one special

counsel so far.

Do you have any sense yet whether that statute will focus counsels more on their original mandates?

ATTY GEN. RENO: It's not the --

Q (Off mike) -- Justice Department policy.

ATTY GEN. RENO: I would hope that justice will be achieved by all special counsels. I don't want to comment one way or the other, because I want to ensure them the day-to-day independence that they should have.

Q What kind of access does Robert Conrad have to you? Can he -- has he in the past called you up on urgent matters, or do his decisions have to go through the chain of command before it gets to you?

ATTY GEN. RENO: I don't comment, except to explain the process that I have, which is I try to meet with him weekly.

There are times when we have to readjust the schedule because he has matters pending outside Washington, and -- but we try to meet at least on the average of once a week.

Q That's been true with all of the campaign finance task force people?

ATTY. GEN. RENO: Right.

Q May I ask about the tobacco issue on the Hill? You've made it clear that you're concerned that if the Congress votes to deny the Justice Department funds to pursue a case, that that potentially is improper. If the decision by the Justice Department to file a civil lawsuit -- in essence, a public policy question -- why isn't it legitimate for Congress to say, "As a matter of public policy we don't think you should file that lawsuit"?

ATTY. GEN. RENO: The executive has responsibility for faithfully executing the laws of the country, for making

sure that the public fisc is protected. In this instance, the government of the United States has spent literally billions of dollars on tobacco-related illnesses over these last years, and the tobacco litigation is an effort to recoup that cost.

That decision was made after -- our decision to go forward with the litigation was made after a very careful review of the law and a very thorough review.

I personally went over it and made a judgment that we could, in good faith, proceed, and that it was our responsibility -- indeed, our duty -- to provide this effort to protect the American taxpayer, who had been the guy and the gal paying out of their pockets.

As we speak, the -- (audio break) -- debating the Waxman-Hansen Amendment to our appropriations bill.

That amendment is needed to allow the department to go forward with the lawsuit we filed in September. On Wednesday, Congress did agree that the Veterans Administration should be allowed to provide the department \$4 million, but out of its general fund, not a specific fund. Now we face another attempt by Congress to deny us the funds needed to pursue this suit on behalf of the taxpayers.

Congress is attempting to do this by forbidding the other agencies that benefit from the litigation -- the Veterans Administration, HHS -- from assisting in funding that. Because Congress has failed to provide the department with the funds to pursue the cigarette suit, without funding from the Veterans Administration and other agencies, we won't be able to proceed.

And I earnestly hope that Congress will accept this amendment, so that we can go forward with this litigation. It's simply about recovering for the American taxpayer dollars that their government has spent over the years to treat tobacco-related illnesses.

The states have recovered significant amounts of money, and it's just being accountable for our dollars.

Q But the Republicans are saying that Provision 109 that you're using as the mechanism to get funds from these other agencies was really put into law in the first place only to help the government -- the Justice Department have enough money to defend itself, and it wasn't there for proactive cases.

ATTY GEN. RENO: The government has used Section 109 both for -- it's usually used for defensive litigation, but it has been used for affirmative litigation, where the government sues. And in this instance, the government is trying to protect itself.

It's trying to protect the taxpayers from bearing the brunt of these -- money spent. And it's the same policy involved.

Q Ms. Reno, back on the --

Q Ms. Reno, do you regret that this issue regarding the vice president has been raised anew?

ATTY GEN. RENO: I don't comment on what I regret or don't regret. I just try to do the best I can.

Q Well, let me -- under the regs that you read to us, speaking generally, if there was no probable cause found, speaking generally, under your interpretation of these regs, and the conflict or perceived conflict existed, how would you handle such a matter?

ATTY GEN. RENO: You know I don't do what-ifs.

Q How do you -- under the independent counsel statute, you had a certain group of people you regularly sought for their opinion on whether to proceed. We know that. Are you basically going to the same group of people to deal with the special counsel question, or is there a different process?

ATTY GEN. RENO: I think if you look at the experience of the past, I go to as many people as I can who have information that -- either on the facts or the law, that can shed light on the decision that I have to make.

Q Do you view, that because we're in the middle of a presidential campaign, that this matter does require some special urgency to decide, in the public's interest?

ATTY GEN. RENO: I think it requires, first of all, thoroughness in conducting an investigation. I think it requires that it be done as fast as possible, consistent with thoroughness, and that's what we're going to try to do.

Q Ms. Reno, one of the criticisms of the independent-counsel analysis that you went through is it cut up the issues too narrowly; you look at very specific small areas of possible criminal wrongdoing. Will you now look at a much broader range of potential criminal acts when you look -- when you decide on a special counsel -- (inaudible)?

ATTY GEN. RENO: I haven't made any comment with respect to the decisions that I am making except as to how I conduct an investigation. And the way I'll conduct the investigation is to do it according to law and according to the evidence.

And if the evidence is a narrow issue and relates to a narrow issue, then I will make a decision based on narrow issues.

If the evidence is broad and involves evidence that can support a broad review, I will do that.

Q Well what -- last night Gary Graham was executed in Texas. Do you have any reaction to that?

ATTY GEN. RENO: One of the things that you learn to do is not comment on the evidence in a case, if you have not

carefully reviewed the record. So let me not talk about it

in the context of the Graham case.

But let me say that I think it is imperative, as I said last week, that we make sure, not just in capital cases but in all cases that

result in serious punishment or sanctions, that our criminal justice system ensures that people are provided with effective assistance of counsel and effective resources to support that counsel's effort.

I think one of the worst things that I can imagine is for somebody to come in here and say to Pete Williams: "Come with me.

You're going to jail for a crime you did not commit." The outrage, the sense of injustice, is just overpowering.

And I think we have a responsibility to make sure that our criminal justice system gives to all defendants the best shot they have to be able to present their case and to get to the truth.

Q Given that, what do you make of investigations that have found that in Texas and in Illinois, huge portions of the inmates who are executed have been represented by people who have been disbarred or otherwise sanctioned?

ATTY. GEN. RENO: That's why I -- I am not familiar with those studies, except in the context of the larger reports, but there are some states that do a pretty good job of funding their public defender system.

There are other states that have no formal public defender system and do very little in terms of providing resources for those charged with a crime who cannot afford a lawyer.

Justice should not be based on who's got the money and who doesn't.

Q Given that there have been those findings about some large states like Texas and Illinois, is there a role for

the federal government here in assuring adequate representation, even in state cases?

ATTY. GEN. RENO: We have reviewed that, and do not see a basis on which we can proceed, and I am just trying to speak out as much as I can to see what we can do. Some people say it's a matter of being tough on crime, so this is what we've got to do.

But nobody in this country should believe that your chances of achieving justice should be based on whether you've got money or not.

Q There's a federal execution --

Q Ms. Reno, what's the status of the deputy's review of the federal death penalty and the fairness of the system?

ATTY. GEN. RENO: It is still ongoing.

Q There's a federal execution scheduled for August. Is it your expectation now that that will occur as scheduled?

ATTY. GEN. RENO: The court has set a date. I want to do everything I can to make sure that processes are proper, and I will continue to do that.

Q What is your view on the legislation on the Hill right now that the Judiciary Committee has started having hearings on that would actually create some sort of federal rules, an encouragement to intervene in states, encourage more adequate representation of capital defendants?

ATTY. GEN. RENO: We're reviewing that now and will make appropriate comment.

Q Thank you.

ATTY. GEN. RENO: Thank you all.

END.