



## UNITED STATES DEPARTMENT OF JUSTICE

### Press Conference

THE HONORABLE JANET RENO, ATTORNEY GENERAL

Thursday, December 11, 1997

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

(10:00 a.m.)

ATTORNEY GENERAL RENO: Good morning. How are you all.

QUESTION: Ms. Reno, you said you believe everybody acted in good faith. Independent Counsel Donald Small said yesterday he also believed that the Department was impeding or somehow restraining, or trying to restrain, the Independent Counsel investigation.

ATTORNEY GENERAL RENO: I appreciate the fact that he made the point that we were acting in good faith. Because, as I have said, what we were trying to do was construe the statute as it has been construed by previous administrations. And one of the elements that was raised was the necessity for protecting the constitutionality of the statute.

As I understand it, he acknowledged that he had not talked to me about it much. And what we have been able to do with independent counsel is, in situations like this, work through these issues. I regret that he felt impeded. But I appreciate him acknowledging that we were trying to do what we thought was right.

QUESTION: Ms. Reno, Director Freeh said to Congressman Burton yesterday that you have agreed, or at least you have sent a signal, that you are willing to

explore providing a redacted version of his memo to you to the committee. Would you tell us what your current thinking is on this issue?

ATTORNEY GENERAL RENO: What we have indicated from the outset was that we would try to answer their questions, and then, if there were questions still to be answered after the hearings, we would sit down and see how we -- what we could work out.

QUESTION: How are those discussions progressing at this point?

ATTORNEY GENERAL RENO: We made a call last night. I do not think that they got together. I do not think staff got together. But we want to follow up. As I have said continually, I want to do everything I can to honor the oversight function, while at the same time making sure that nothing is done that would impair or undercut my responsibility for conducting a full and vigorous investigation.

QUESTION: You sound like you are saying that you would like to just answer their questions about the memo rather than actually providing the memo in any form. Is that accurate?

ATTORNEY GENERAL RENO: I would like not to address the memo, per se. I would like to try to make sure that we can do everything we can without interfering with the investigation, to answer their questions vis-a-vis their oversight function.

QUESTION: Ms. Reno, on the subject of the issues that were raised by Mr. Small yesterday -- that is, his allegation that there is some effort by the Justice Department to constrain the independent counsels in general -- it has been reported that you do have some concerns about independent counsels, that you are concerned that low-level people wind up paying huge legal fees to defend themselves in these cases, and that you even have some regrets about some of the independent counsels that you have sought appointment of, such as the counsel in the Cisneros case.

Do you have those concerns? And do you have those regrets?

ATTORNEY GENERAL RENO: I do not know what legal fees have been paid, so I cannot have those regrets. And I have no regrets about my decisions with respect to independent counsels.

QUESTION: Ms. Reno, yesterday, Director Freeh said that he would consider

releasing more information from the memo if the committee were to seek only policy determinations rather than to talk about specific criminal investigations, anything specific about grand juries, any criminal investigation. Would you agree to release simply policy determinations in that memo?

ATTORNEY GENERAL RENO: I think it is important that we address first the committee's questions and explore that. That is what their oversight function is about. And we want to try to answer their questions to the best of our ability.

QUESTION: Ms. Reno, due to the fact that there were, I don't know, about 10 hours total questioning, a lot of it on this document, and you and the Director set very clear limits on what you were willing to talk about in terms of its contents, are there any areas left that you feel comfortable disclosing?

ATTORNEY GENERAL RENO: I do not know what other areas Congress might have, if they have any. But we just want to make sure that we cooperate with them, in terms of sitting down to determine if there are.

QUESTION: Ms. Reno, just to follow up on the other question. So do you think the independent counsel law is working well, or do you think that some modifications might have to be made in it at some point?

ATTORNEY GENERAL RENO: As I have testified and as I have suggested in previous correspondence to Senator Hatch, I have tried not to comment on the workings of the statute, per se, or how it works out, until the conclusion of my work with the statute. And then I could provide whatever experience that might be useful for people to consider in determining whether the statute should be revised. But I have got to look at the statute based on what it is now. And so that is what I have tried to focus on.

The one point that I have raised is a more general concept that does not go to the functioning of the statute, but goes to the budget process and the fact that there should be separate budgets and a separate accountability for the money spent.

QUESTION: Ms. Reno, what about the Constitution question involved with the independent counsel statute, the due process questions -- if you sought a broad based independent counsel investigation when there is not specific or credible evidence of a crime being committed, do you see such a prosecution as vulnerable to a court challenge?

ATTORNEY GENERAL RENO: I have not considered that. Because what I am

trying to do is make sure that I do right and that I do it according to the law. So I have not considered the "what ifs." But in the context of what is related, what you refer or what you can refer, what should be done by an independent counsel or by an attorney general, I do think, and I have been advised, that we must consider the impact of our decisions on the ultimate constitutionality, because the court has upheld the constitutionality based on the fact that the Attorney General is the one making the decision.

QUESTION: Ms. Reno, you said last month that you would consult with Director Freeh before closing down any lines of investigation. He has now testified publicly that it is his belief that the campaign finance matter requires further investigation by an independent counsel, both as a matter of fact and as a matter of his interpretation of the law. How do you then reconcile that ongoing conversation that you have described with the Director since he has already basically stated his bottom line?

ATTORNEY GENERAL RENO: I have made very clear that in terms of investigative leads, we need to defer to him, but when it comes to legal decisions I have got to make the legal decisions. And I think Director Freeh, I did not hear him, but he has indicated to me that he has not been foreclosed from any avenue. So we need to work together and make sure that we follow the investigative leads. But where it comes to a legal decision, and if a legal decision bars an investigation, I have got to make that legal decision. He is the investigator.

QUESTION: If I may, he certainly has granted that the legal decision is yours, but as an investigator, and his relationship with you as the chief prosecutor in this case, he has said that as an investigator he believes the facts merit further investigation. And since that is the issue --

ATTORNEY GENERAL RENO: Actually, you make a very good point, because he points out -- and go back and -- I would ask Bert, so that I do not put words in anybody's mouth -- to look at exactly what he said about leads being foreclosed, and make sure that you understand what I understand from him, that he has not been foreclosed from any investigative pursuit. So I think, make sure that you clarify that in your mind by looking at the transcript.

But you can investigate transactions without invoking the independent counsel statute. And we are going to pursue every lead. If the independent counsel statute is triggered by the law, I make that decision. And I have not been afraid to make it in the past, and I am not afraid to make it in the future.

QUESTION: Ms. Reno, today, is it the bottom line for you that, in your discussion

with Congressman Burton's committee, you are pleased to answer additional questions they may have, you want them to exercise their oversight function, but that you do not intend to provide them any part of the memo from Director Freeh?

ATTORNEY GENERAL RENO: What I want to do is to sit down and see what their issues are, if there are any, and just work with them to try to make sure that people understand that when they put something in writing to the Attorney General it is not going to be -- I just have got to make sure that people feel that they can fully and frankly discuss issues with me without it becoming public and appearing in congressional committees. It is not the way to conduct an investigation.

And so what I want to try to do with Chairman Burton is see, okay, what other questions do you have, how might we provide answers to those questions without revealing details of an investigation, and what can be done.

QUESTION: Would one way to provide those answers be to give them a copy of the memo in its redacted form? Is that an option?

ATTORNEY GENERAL RENO: Again, I think it is important -- you can redact things till they become useless. I think it is important that we talk out the issue first and not do "what ifs." I think you all are good, vigorous reporters, so you are asking the questions down the road. I take the question that I have got now and I try to decide it, and then take the next question the next day. So, that is what I am going to do.

QUESTION: Ms. Reno, yesterday at the Vienna conference, all the countries decided that when an alleged criminal flees to one of the other countries, that country will devote equal resources to the prosecution and investigation. And you said that this law will apply to other extraditable crimes. I am just wondering what will be the far-reaching effects of this decision and will any new laws have to be passed?

ATTORNEY GENERAL RENO: I think this was a very important step by the countries known as the 8, which are Russia, the United Kingdom, Canada, France, Germany, Italy, Japan, and the United States. We met yesterday and issued a communique, focused primarily on cyber crime or high-tech crime and how we can work together, recognizing that borders have been eliminated by cyber tools, in terms of what crime can do and how it can have an impact from one country to the next.

But as part of that, we recognized that it was very important to ensure prompt extradition of people who may have had impact through a crime committed in another country which has the result of the crime occur here. Many countries do not want to extradite their nationals. And it has been frustrating at times, because in not wanting to extradite their nationals, they have not focused on domestic prosecution in their country as a really viable alternative.

These eight countries, including the United States, agreed yesterday that we would devote equal attention to these types of cases if there were a domestic prosecution. And the message that is being conveyed loud and clear is that there should be no safe haven, no safe haven for anyone; they should expect to be brought to justice.

QUESTION: (Off microphone)?

ATTORNEY GENERAL RENO: At first, what I think we need to do is to look at our mutual legal assistance treaties and the extradition treaties. We have tried to establish direct contact with nations with whom we have substantial dealings on extradition matters. And we have tried to understand each nation's procedures, so that when we send them a package, asking for domestic prosecution, we know that we have got all the material and all the information and all the processes that they need to properly trigger a domestic prosecution.

When it involves an extradition to the United States, when we think we can get them extradited, we want to know just what they need for a provisional arrest warrant. And we have made substantial headway in that regard. And one of the commitments that made in the communique yesterday was particularly with respect to cyber crime, where we must move quickly to develop focused, effective mutual legal assistance processes and extradition processes.

QUESTION: Ms. Reno -- (off microphone) -- extradition -- (off microphone) -- Mexico does not allow Mexico to extradite people who could face the death penalty. What would be the best way to get -- (off microphone) -- to the United States?

ATTORNEY GENERAL RENO: Mexico will not extradite, and its law provides that it cannot extradite somebody who would face the death penalty. But in situations like that, where we cannot do otherwise, we -- as a local prosecutor in Miami, when I was convinced that there was going to be no alternative, then I would waive the death penalty and seek a life sentence.

QUESTION: So going back to waiving -- (off microphone) -- death penalty in this



particular case to get -- (off microphone)?

ATTORNEY GENERAL RENO: No, no. It does not have to look for the death penalty. Under the extradition treaty with Mexico, to get him extradited to Florida for trial, Florida will have to waive the death penalty.

QUESTION: Have you conveyed that to the Florida prosecutor?

ATTORNEY GENERAL RENO: My understanding is that there has been close communication between the Florida prosecutor's office, the Office of International Affairs and the Government of Mexico, because we are anxious that he be returned as soon as possible.

QUESTION: On the subject of Mexico, Jesus Carolla Guittierez, the head of the National Judicial Police, resigned under fire, under accusation of corruption this week. I would like your reaction and perhaps anything you could tell us about your conference 2 weeks ago in Mexico City. We have not talked about that.

ATTORNEY GENERAL RENO: I do not have any comment with respect to the situation you just described.

With respect to the meeting with attorneys general from other parts of the hemisphere, for the length of time I was there, it was a very good meeting and I think we made some progress.

QUESTION: Ms. Reno, could I follow up on that, on Mr. Carolla Guittierez. Did the U.S. express some concern concerning his alleged involvement with the Arrellano Felix organization and some prior problems he had?

ATTORNEY GENERAL RENO: I think it would be inappropriate for me to comment. I will ask Bert to determine just what would be appropriate.

QUESTION: Ms. Reno --

ATTORNEY GENERAL RENO: You have already had a turn; he has not.

QUESTION: Ms. Reno, President Clinton has asked you and Education Secretary Riley to begin compiling an annual report on school violence. Are there things you can do, or plan to do, beyond simply compiling statistics?

ATTORNEY GENERAL RENO: What has impressed me so much is that there is a wealth of material available in so many different places about what the crime

problem is in a particular community. It used to frustrate me when I served as State Attorney in Dade County, when I would ask the Federal Government for information, oftentimes the information would be 3 and 4 years old, it would be outdated and we would have had a crack epidemic hit afterwards and it would have no relevance to immediate, current, real-time plans for prioritizing our resources, prioritizing our targets, and taking effective efforts to reduce crime.

Part of our newer abilities I think arise out of automation. We can do so much to bring figures together, to collate them, to see what is happening. If we have some idea of the incidence of school violence, of when it occurs, how it occurs, what are the circumstances, it seems to me we can take some significant steps in technical assistance programs, in particular grant programs focused on pilot projects, to show police and teachers what could be done to avert such violence and to prevent it and to pursue it when it occurs.

I think that this can be a very important first step in giving us the tools, the current tools, to figure out how we can have a more comprehensive impact on youth violence in the schools.

QUESTION: Ms. Reno, on the assisted suicide issue in Oregon, has your staff been able to review the D.A.'s position? And, if not, how soon do you anticipate that figure will be completed?

ATTORNEY GENERAL RENO: I hope we will have a review shortly. I asked about it this morning and was told I would get a report on where we stood today.

QUESTION: You expect it today?

ATTORNEY GENERAL RENO: I hope so. I am not expecting the report today; I am expecting a --

QUESTION: A report on the progress?

ATTORNEY GENERAL RENO: -- on where we are and when I might expect it.

QUESTION: Ms. Reno, David Kaczinski says he feels betrayed by the government's decision to seek the death --

ATTORNEY GENERAL RENO: Excuse me?

QUESTION: David Kaczinski says he feels that he was betrayed by the government, the Justice Department, by your decision to seek the death penalty



in the case. What would you say to him about that?

ATTORNEY GENERAL RENO: This matter is pending now, and I cannot comment except that I have tried to consider every possible point that I should consider in making my determinations.

QUESTION: Did you ever meet directly with family members?

ATTORNEY GENERAL RENO: No, I did not.

QUESTION: Ms. Reno, before we get too far from cyberspace, just out of curiosity, do you ever surf the Net or --

ATTORNEY GENERAL RENO: No. You all do not give me time to surf the Net.

(Laughter.)

QUESTION: Do you think maybe you should do that just to get in contact with what is going on?

ATTORNEY GENERAL RENO: With the real world?

(Laughter.)

QUESTION: Just because it is such a -- we know it is going to be a growing problem and --

ATTORNEY GENERAL RENO: What I have done is had my staff show me just what can be done and the tremendous variety, the tremendous opportunities, the tremendous challenges that are available and that exist with the Net. So I think, based on my elementary education and continuing discussions and continuing review, I think I have a sense of where we are at. I am not sure that it is the real world, but I think I am sufficiently conversant with it so that I understand what we need to be doing.

QUESTION: Ms. Reno, there were contentious moments during the hearings, and Republicans were talking about contempt and I am sure impeachment talks are right around the corner. And I noticed one of the Democratic members asked: How do you take all this?

ATTORNEY GENERAL RENO: Well, do not threaten me with impeachment right

around the corner.

(Laughter.)

QUESTION: How do you respond to Congressman Cunningham's question about how do you take all this? How do you sit there and take all this abuse?

ATTORNEY GENERAL RENO: Well, as I have said before, I try to make the best decision I can. I try to advise myself and hear from as many people as possible. I try to look at the law. I try to consider all the factors that are appropriate. And then I make the best decision I can. And then I live with it. And living with it means you have tried your best.

I also say if there is a mistake that we have made and we see evidence of the mistake, I am not too proud to say I have made a mistake and here is something that we could do differently. And it is important just to be able to keep putting your foot in the road and move on.

One of the things that I think people should understand is there is an awful lot of criticism. And I think one of the Congressmen said I do not listen to criticism. I try to sort through everything and find out the points that are being made by people. Those that call me names and talk about polls and talk about this and that and the other that have no relevance to the evidence and the law, I try not to pay any attention to. But those that differ with me legitimately, I try to consider so that I continue to have an open mind about the issues that confront me.

But the important thing is people think that they can hurt you by words. They think they can hurt you by contempt. And they almost underline "contempt" by the tone of their voice. And those are words. There are a lot more serious problems in the world and a lot more serious risks. And I think I go back, finally, to what Abraham Lincoln says; it is on the wall in my office: If I were to read everything bad that people said about me I might as well close this shop for business. And in these last 6 months, that would certainly be true here.

(Laughter.)

QUESTION: He went on to say: I intend to keep on doing the best I can, the best I know how, and I intend to keep on doing it till the end. If the end brings me out right, what people said about me won't make any difference. And if the end brings me out wrong and 10 angels sing "I was right" won't make any difference.

And that's the way I do it.

QUESTION: Ms. Reno, Congressman Burton asked you if you had ever had case where so many people had taken the Fifth the and fled the country. And you said you have never had a case like this, period. Can you elaborate on that a little bit, about what makes this so unusual?

ATTORNEY GENERAL RENO: Well, first of all, you have the Congress of the United States concerned by it. You have the media concerned and preoccupied by it. And so you have people asking questions and probing and doing their duty in terms of trying to find out as much as they can about it. And so you find yourself having to make sure that the case is appropriately handled and that it is not investigated in the open, but that it is investigated the right way, according to good investigative practices.

It clearly covers a wide range of areas -- campaign financing, foreign counterintelligence issues. It covers many, many jurisdictions. It reaches around the world. It is a very complex investigation, involving complex issues of law. And to conduct an investigation like that under such public scrutiny adds to the challenge.

QUESTION: (Off microphone) -- factors -- (off microphone) -- thought you would list first, which is that it involves your boss. Is that a consideration that makes it unusual and difficult?

ATTORNEY GENERAL RENO: Well, you would add that the independent counsel statute -- I have conducted investigations before that do not involve the independent counsel statute. And each time that is involved, that adds a new dimension.

QUESTION: Ms. Reno, your boss was told this week by the Chinese dissident Mr. Wei -- was warned not to trust the Chinese leadership, the PRC. And from your experience in this investigation -- you alluded to the foreign intelligence aspects -- would you find that to be good advice with regard to the PLA or the PRC?

ATTORNEY GENERAL RENO: I do not know and was not there when Mr. Wei made this comment. But I want to try to work with the Government of China to ensure that we have the cooperation we need, if we need it, in terms of this investigation.

QUESTION: Is there any indication that they will cooperate, or is there any indication they are obscuring this investigation?

ATTORNEY GENERAL RENO: We are going to be addressing all those issues as we go along.

QUESTION: General Reno, during the hearing earlier this week, you indicated you had agonized over this decision and had consulted various members of your staff down to the final moments. Can you elaborate on that a bit, and --

ATTORNEY GENERAL RENO: I cannot elaborate other than just the way I described it.

When you make these decisions, when I have to make a decision and it is my decision to make, I try to work through it. I try to make sure that I have considered all the arguments. I find it important sometimes to take the issue, try to understand all the angles, and then put it aside for a day or two so I can gain perspective, and I go back and look at it and come up with five new questions that I want to ask about. Then somebody will come in with a new idea. Sometimes it will be a good idea and sometimes it will not.

But what I try to do is, when I have the time, I try to make sure that I deliberate, that I consider all the angles. And that is the process I was involved in.

QUESTION: I think you also said during the hearing that you really did not make the decision until just about the point where you signed the documents to the court. Did that mean it was a close call?

ATTORNEY GENERAL RENO: I would not characterize it as one way or the other. But what I would say is that it obviously has tremendous implications for this Nation. And it is one that I do not take lightly in any way. And I want to make sure, if somebody has a new idea, I want to hear it. And if I have got the time -- there are some decisions I have to make that I do not have the time to do anything but have 5 minutes of briefing, make the best decision I can, and go with it. But when I have got the time, I want to make sure that I have considered everything.

QUESTION: Do you ever consult people completely outside the government, people who are outside Justice, outside even Congress, people that you have met in your earlier career that you trust and whose opinions you value?

ATTORNEY GENERAL RENO: They sure volunteer a lot.

(Laughter.)

VOICE: A question over here to the left.

QUESTION: Ms. Reno, have you talked to the President since making your decision?

ATTORNEY GENERAL RENO: I do not think I have.

QUESTION: Do you plan to?

ATTORNEY GENERAL RENO: About the decision?

QUESTION: No. I mean is there any -- when was the last time you talked to the President?

ATTORNEY GENERAL RENO: I do not know. Bert will check and let you know.

QUESTION: Have you talked to him after Mexico City?

ATTORNEY GENERAL RENO: I know I talked -- I mean, I talked to him the morning after I got sick. But I cannot remember whether I have talked to him since then or not.

QUESTION: Have you fully recovered from all of that?

ATTORNEY GENERAL RENO: I seem to be. The doctor is getting the results from Mexico of the tests that were done there. But I feel fine and feel good.

QUESTION: Ms. Reno, you pointed out that you have never handled a case like this before. Isn't it safe to say that no one has ever handled a case like this before?

ATTORNEY GENERAL RENO: I think it would be safe to say that.

(Laughter.)

QUESTION: One more question, please. What is the status of the Bill Lann Lee nomination? There has obviously been reports this week that the President may go ahead and appoint him to a recess appointment. What is the status?

ATTORNEY GENERAL RENO: All I have to say is, with all the discussion that has gone on, it only enhances my respect and regard for that man. He is dedicated.

He is thoughtful. He is committed to enforcing the law. He is a wonderful person. And I think Congress, if they could only appreciate this, could see how effective he could be in dealing with these issues in a non-confrontational, quiet, careful, thoughtful way that would redound to the benefit of everyone and ensure civil rights enforcement at its best.

And, with that, I would like to wish everybody happy, happy holidays. It's 10 o'clock.

QUESTION: Merry Christmas.

QUESTION: Merry Christmas.

ATTORNEY GENERAL RENO: Thank you.

QUESTION: Did you get to go Polk surfing or Polk something or other?

ATTORNEY GENERAL RENO: I did not get to go Polk surfing. I went off the inlet at dawn, hoping to see the sun rise. Only my sister and I neglected to calculate the tide correctly. So we were going out, but we were not making any headway.

(Laughter.)

ATTORNEY GENERAL RENO: So we went back and went in the back side -- it is an outside barrier island -- and we went in, back through the mangroves, and then just walked over the beach and saw the sunrise. And it was beautiful. But the next day, my sister and my niece managed to surf in. I had left by then. So they have promised me that at Christmas time I get to do it.

QUESTION: Bravo.

ATTORNEY GENERAL RENO: Well, wait until I do it.

(Laughter.)

VOICE: Thank you.

ATTORNEY GENERAL RENO: I hope you all have a wonderful holidays.

VOICE: Okay.



(Whereupon, at 10:04 a.m., the press conference concluded.)