



UNITED STATES DEPARTMENT OF JUSTICE

Press Conference

THE HONORABLE JANET RENO, ATTORNEY GENERAL

Thursday, June 18, 1998

9:30 a.m.

P R O C E E D I N G S

(9:30 a.m.)

VOICES: Good morning.

ATTORNEY GENERAL RENO: Good morning.

QUESTION: Ms. Reno, there is a piece of legislation in the House, called the Citizens Protection Act of 1998. It appears to preempt much of the functions of the Office of Professional Responsibility and also requires individual U.S. Attorneys and their assistants to comply with State laws and State rules rather than Federal guidelines. If this Bill were to pass or it should become law, how much of a disruption would it be?

ATTORNEY GENERAL RENO: Well, I think the sponsors of this bill are trying to solve a problem that really does not exist. I have had a chance to review on a regular basis the complaints that are received. And they are few and far between,

considering the thousands of lawyers within the Department.

The lawyers of this Department are really extraordinarily dedicated. I have watched them in action. I have seen the results of their work. And I think that the standards they exhibit do not require something like this in the least.

The bill constitutes, I think, an unjustified and an unwarranted interference with lawful and effective Federal law enforcement. I think it would interfere with that effort. And if the bill passes, I am going to strongly urge the President to veto it.

QUESTION: Ms. Reno, is this retaliation for prosecution of members of Congress in the matter, what is driving this bill?

ATTORNEY GENERAL RENO: I do not know exactly what is driving it. But my message to everyone is that we are committed to ensuring that our attorneys and our employees conform to the highest standards of conduct. We have a formal disciplinary proceeding for attorneys, which is administered by the Office of Professional Responsibility. The Department's law enforcement agencies have their own Office of Professional Responsibility or are reviewed by the Inspector General.

The Department has an extensive training program in legal ethics, and each United States Attorney's office has at least one professional responsibility officer, whose job it is to provide guidance and advice.

I think there is a good procedure in place. I think one of the points that has been raised is that it would, in a multi-jurisdictional drug case which involved 10 different States, it would require that the lawyer decide if he was in compliance with the disciplinary rules and rules of professional responsibility in one State, then the next State, then the next State. And I just do not think that that contributes to effective law enforcement.

The bill would create a Misconduct Review Board, with unprecedented powers to obtain and make public information concerning ongoing investigations, classified material, and other confidential information. It could be read to suggest that in the middle of a prosecution, if someone wanted to interfere with that prosecution, this Board could bring it to a screaming halt.

There is a mechanism, a very clear mechanism, that we have relied on for 200 years of our history, in which the -- if parties are in a court, a court, a judge decides the case; they have the right to take an appeal, and they have other appellate procedures. I think that the system of justice has worked well. And I

think it would be a terrible mistake to affect it in this way.

QUESTION: And you have recommended that the President veto it?

ATTORNEY GENERAL RENO: I will strongly urge the President to veto it.

QUESTION: Ms. Reno, the President has asked you and Education Secretary Riley to develop an early warning guide to spot potential violence-prone students. Is there any individual area that needs to be dealt with?

ATTORNEY GENERAL RENO: What we have tried to do, working with the experts with whom we have met, reviewing all the materials, looking at what can be done to provide mechanisms within the community, whereby a teacher, a parent, a doctor can identify, or if they do identify a problem, know where to refer the child. Because we need not only to be able to provide early identification, we need to have some place to refer that child and his family to seek help.

QUESTION: Ms. Reno, with regard to the Independent Counsel, have you received a recommendation or have you discussed his recommendations -- or have they been drawn up yet -- that you take some action against Mr. Starr -- other than the form of a censure and actually try to remove him for cause?

ATTORNEY GENERAL RENO: At this point, we have received the new information. We have referred that, as we have referred the other materials, to OPR. With respect to further steps to be taken, no determination has been made.

QUESTION: On that subject, the White House had called for at least the possibility of an independent review of this dispute. But it is the Department's understanding, as we understand it, that any review must come from Judge Johnson's first. And if she wants to appoint a special prosecutor or she wants to ask the U.S. Attorney's Office to investigate it, it is up to her; it is not up to the Department and you.

ATTORNEY GENERAL RENO: Well, what we want to do, as I have indicated in the past, is provide due deference to Judge Johnson, so that we make sure we do not interfere with judicial process. But with respect to what actions should be taken by the Department, no determination has been made as yet.

QUESTION: Ms. Reno, one of the things you have told us in the past is that this is a novel question of what to do with an independent counsel, because it has never come up before. So, it was sort of a two-step process. One was, what would be the appropriate Justice Department role involving any independent counsel in any

allegation of misconduct. And then the second one is the specific facts.

Have you answered the first question yet, what the Justice Department's appropriate role is, in general, in cases like this?

ATTORNEY GENERAL RENO: Well, again, what it depends on are the circumstances that you face. And "what ifs" I will keep for another day. With respect to the specific situation we have here, we have wanted to pay due deference to Judge Johnson's proceedings, so that we did not interfere. But we want to make sure that we take whatever steps are appropriate. And no determination has been made yet.

QUESTION: I wanted to just ask one more question on the same subject. I guess what I am wondering is, it is clear to the Department what the standard is, where the line is and how you would define that. I mean, I guess there are two questions: Where is the line? And what would you do if somebody crossed it? Or is it that kind of analysis or is it rather getting the specific facts and I will sort of set them all up and see whether that passes some kind of bait test?

ATTORNEY GENERAL RENO: The language of the statute provides for good cause. To determine that, I do not think you can do it in a vacuum. I think you have got to look at all the facts.

QUESTION: Ms. Reno, in general, I think when we have asked you questions about ongoing investigations, and you say over and over again that you are not going to talk about the case. And here you have an Independent Counsel who has stated publicly he did talk to reporters during an investigation. What was your reaction to that?

ATTORNEY GENERAL RENO: As you know, I have not commented on the Independent Counsel, so I do not do anything that interferes with the independence.

QUESTION: General Reno, can you say what the materials are that you have referred to OPR with the other stuff?

ATTORNEY GENERAL RENO: No, I cannot.

QUESTION: Ms. Reno, my understanding is that there has been a longstanding policy in the Department that any allegations about an independent counsel are not referred to OPR unless they are so serious that, if true, they would result in the sanction of dismissal, since that is the only sanction you have available. Is

that accurate?

ATTORNEY GENERAL RENO: I would ask Bert to determine for you just what the record shows. But I do not think that the way you phrase it applies to the present situation.

QUESTION: Well, can you help me a little bit with the phraseology?

ATTORNEY GENERAL RENO: No.

QUESTION: Was there anything else beyond new material?

ATTORNEY GENERAL RENO: I cannot comment.

QUESTION: Ms. Reno, have you made a decision to seek Federal kidnapping charges against the three suspects in Jasper, Texas?

ATTORNEY GENERAL RENO: What we are doing there -- and I have talked myself with the local district attorney -- he called -- is to make sure that we pursue the avenue that produces the most effective results in terms of justice. The FBI is working, and the FBI and the U.S. Attorney are working closely with local authorities. And an appropriate determination will be made.

QUESTION: The local district attorney called you?

ATTORNEY GENERAL RENO: He called me to thank me for the resources and the steps that we had taken to support his efforts.

QUESTION: Do you remember what day that was?

ATTORNEY GENERAL RENO: No, I do not.

QUESTION: Also, there has been another capital case down there which has been very expensive; it is going to bust their budget. I mean, is that part of the consideration in terms of whether the Feds prosecute this case?

ATTORNEY GENERAL RENO: What we want to try to do is make sure that the best avenue is chosen that will secure the ultimate justice in this case. In terms of funding, funding should not be an issue with respect to justice. We need to figure out, if there are funding problems, how that should be addressed. But I think the determination as to which way to go should be made on the evidence

and the law.

QUESTION: Ms. Reno, going back to the Starr question for a second. It has been I guess since February when Mr. Starr filed his initial complaint. Is time becoming a part of the equation? Will time be a factor in making a decision?

ATTORNEY GENERAL RENO: I do not think it appropriate for me to comment.

QUESTION: Ms. Reno, does the federal hate crime law allow you to seek the death penalty for the suspects in the Jasper, Texas murder?

ATTORNEY GENERAL RENO: Again, I would not comment on the specifics of the case until the investigation is complete.

QUESTION: I am sorry if this is a repeat question, but --

ATTORNEY GENERAL RENO: That is okay.

QUESTION: -- they have got these two trials, and it is going to eat up all their budget. And there might be some sympathy down there for wanting the Feds to handle this other case. But you are saying that would not be any part of your consideration?

ATTORNEY GENERAL RENO: What we want to try to do, if the better result in terms of justice can be obtained in State court, we should try to make sure that we pursue that. If it is better obtained in Federal court, and everybody agrees, then we should pursue it in Federal court. But what we want is justice. And I hate to see dollars become part of the equation of justice.

QUESTION: Is there a mechanism by which the Federal Government could fund a State prosecution?

ATTORNEY GENERAL RENO: What we can do is provide investigative help, laboratory help, forensic support, prosecutors could be cross-designated. I mean there is much that can be done. And we would continue to review what would be possible.

QUESTION: Ms. Reno, I just want to clarify, if I can, on the Starr question. You said -- I think what you are saying today is different than what you have said in the past, in the past you have said that it's over to OPR and it's on hold. You are not saying today that it is on hold at OPR, right?

ATTORNEY GENERAL RENO: I am saying that no determination has been made as to what steps we will take.

QUESTION: So, that does not mean it is on hold at OPR?

ATTORNEY GENERAL RENO: I have said no determination has been made.

QUESTION: But, in the past, we understood that the OPR review had not begun in deference to Judge Johnson. Is that still the case?

ATTORNEY GENERAL RENO: Again, I would stand by my comment that we have not made a determination as to how to proceed.

QUESTION: Ms. Reno, any reaction to the Senate killing the tobacco legislation?

ATTORNEY GENERAL RENO: When you look at what smoking has done, when you look at the exposure of children in America, I just think our failure of the Nation to secure this legislation to protect the children of America, to develop a structure that addresses the issue is just a shame.

QUESTION: Ms. Reno, one more time on the same question. In the past you said that -- you have used -- (off microphone). Are you saying now that no determination has been made as to whether or not you will -- (off microphone)?

ATTORNEY GENERAL RENO: I have said what I said.

QUESTION: (Off microphone) -- OPR -- (off microphone)?

ATTORNEY GENERAL RENO: At this point, no determination has been made. So, OPR does not have an inquiry underway.

QUESTION: (Off microphone)?

ATTORNEY GENERAL RENO: As I indicated, no determination has been made.

QUESTION: Ms. Reno, Senator Rockefeller -- (off microphone) -- and he would cap punitive damages on small businesses. The administration is supporting -- (off microphone) -- legislation. And I was wondering whether -- do you have any evidence that small businesses engage in fewer crimes or fewer -- (off microphone) -- than big businesses? And what other justification would there be for the administration's support -- (off microphone) -- bill?

ATTORNEY GENERAL RENO: I will ask Bert to give you any information that would be useful to you.

QUESTION: Ms. Reno, in addition to the disappointment in regard to tobacco, there was an attack on the zero tolerance drug laws of the United States that General McCaffrey answered yesterday. This concerns the coalition of advocacy groups that argued that the global war on drugs has cost society more than drug abuse itself. And -- (off microphone) -- said, through a slick misinformation campaign, these individuals put the -- (off microphone) -- fraud on the American people, a fraud so devious that even some of the Nation's most respectable newspapers and sophisticated media are capable of echoing their falsehoods.

There are some very prominent Americans that have signed onto this particular point of view. Can you come out and say definitely that zero tolerance is the only way for the United States to go?

ATTORNEY GENERAL RENO: What I can say is that from my experience, what we need to do in this Nation is to develop zero tolerance and to do it in a sensible way, by going after the major traffickers, who deal in this misery, getting them off the streets and putting them into prison for the rest of their life, going after street dealers and others and making sure that the penalty fits the crime, focusing on first offenders, who are charged with possession of a small amount of drugs, and instead of just sending them to prison or putting them on probation with a probation officer who has a caseload of 200, getting them into a treatment program that can effectively treat them -- such as drug court programs that offer the carrot and stick approach.

And it is important, if we are to work at this the right way, that we do not pay lip service to treatment. There is a tendency to provide limited monies, and then the caseloads build and the treatment becomes ineffective. But a well-run treatment program based on a carrot and stick approach, using the leverage of the criminal justice system, can be a tremendous public health support for more effective treatment.

Then I think it is imperative -- one of the most heartbreaking things for me as State Attorney in Miami was to receive a call from a grandmother, saying my grandson is in deep trouble. He has finally agreed to treatment. I cannot afford it. I do not know where to take him. There is a waiting list 60 deep at every treatment facility I have been to.

Now, if that grandson had five stiff drinks, driven down U.S. 1 and plowed into five people and killed two and broke his two arms, his arms would be set tonight

at the taxpayers' expense. We need to make a balanced investment in treatment that works, in effective intervention, in effective enforcement against the traffickers, and we also have to create environments where kids say no to the problem in the first place, and give our children some place to grow in a strong and positive way.

And my response to those that argue for a change in drug policy is, let's make this one work right. Let's get rid of the rhetoric. Let's get rid of the buzz words. And let's build a balanced approach. But, most of all, let us give our children some strong and positive environments in which to grow.

QUESTION: Do you agree with General McCaffrey that there has been a fraud so devious perpetrated on this country and its media regarding zero tolerance, regarding liberalization of drug laws?

ATTORNEY GENERAL RENO: I just disagree with those people. I do not describe.

QUESTION: You do not describe it as fraud so devious.

Thank you.

QUESTION: Ms. Reno --

QUESTION: (Off microphone). How does somebody like that get hired?

ATTORNEY GENERAL RENO: That is what I want to know.

QUESTION: Does that mean you are reviewing the hiring practices -- (off microphone) --

ATTORNEY GENERAL RENO: I have asked how it happened, and I am awaiting a report.

QUESTION: Ms. Reno, three former executives of Archer-Daniels-Midland are scheduled for trial on July 5th, on criminal antitrust charges. ADM has already plead guilty to criminal antitrust charges. When they were indicted a number of years back, a fourth man was indicted. His name is Yamata, and he is a Japanese executive. He has not been extradited to the United States.

I have asked you about this before and you have asked me to ask your staff. And I have asked your staff. And the only explanation they give me is "no comment." They will not tell me why he is not being extradited, whether he is being looked

for, whether he is missing in action, whether we do or do not have an extradition treaty.

And I am wondering, sometimes you refer questions to your staff and they come back with these answers, which I do not think -- I understand "no comment" answers in a situation where there is --

ATTORNEY GENERAL RENO: I will find out why they are saying "no comment" and tell you whether I think they are right or not.

QUESTION: (Off microphone) -- follow-up question to that.

ATTORNEY GENERAL RENO: Okay.

QUESTION: There is -- Mark Whitacre, who is now in jail, is also facing charges on price-fixing in the case on July 7th. He says that Dwayne Andreas, who is a big funder of the Democratic Party, is on six tapes that the government has discussing price-fixing matters. Dwayne Andreas, early in the investigation, the Justice Department said, is not a target of the investigation and -- (off microphone) -- given immunity.

Can you assure the American people that you have looked at those tapes, that you are confident that the reason he was given immunity was because there was no evidence indicating that he committed a crime, and that it was not some kind of political fix?

ATTORNEY GENERAL RENO: I have not looked at the tapes. I will check and make sure that there is no new information that has been developed that would make me think that we are proceeding in any way but the correct fashion.

QUESTION: Will you comment on FBI -- (off microphone) -- John Lewis' comments about there being confusion in the leadership with regard to bioterror, with the bioterror response setup? He basically says that there is going to be confusion and -- (off microphone) -- mixed signals.

ATTORNEY GENERAL RENO: I talked to Director Freeh this morning. And we have been part of a process that has culminated in new presidential directives that I think clarify these issues and make clear who has responsibility for what. It provides that the NSC will coordinate, as they have other interagency efforts in the past.

And what I think it is important for everyone to realize is, if it is a bioweapon, the

FBI has responsibility for tracking any leads that might develop, to determine what can be done to prevent the terrorist attack in the first place, and then is the lead agency in terms of the law enforcement response if it happens.

At the same time, if, God forbid, it happens, it becomes a public health problem, and it is going to be imperative for the agencies to work together. And I think we have a good track record of doing that. The Department of Defense will have resources and expertise that nobody else has.

And I think it makes sense for the agencies who have the expertise and have the ability to work together. On all of these issues, we are reaching out to the agencies, to make sure that there is good coordination, that there are good links. And I feel that we have made some major steps forward in that effort.

QUESTION: But the FBI, will they stay in the lead?

ATTORNEY GENERAL RENO: Again, in terms of response to a biological weapon, the FBI would say, in that instance, that the Public Health Service and the Department of Defense, both having expertise in this area, would be involved. And there might be a circumstance in which it would be a public health lead, with the public health specialists saying what is needed to be done.

At the same time, the Department of Justice will be involved in determining how it can support the public health initiative. There are no simple answers when we look at the technology and the threats of the future. And what it requires is that everybody do their job and work together to ensure that the resources, the expertise, the special abilities of all agencies of government are appropriately applied to protect our people.

QUESTION: What was the reason that you had to talk to FBI Director Freeh about this, this morning?

ATTORNEY GENERAL RENO: I just wanted to make sure we were on the same wavelength.

QUESTION: And are you assured on that in that respect?

ATTORNEY GENERAL RENO: We have generally agreed.

QUESTION: Not completely?

ATTORNEY GENERAL RENO: Completely. He did not express any disagreement.

QUESTION: (Off microphone).

ATTORNEY GENERAL RENO: Thank you very much.

VOICE: Thank you very much, Ms. Reno.

(Whereupon, at 9:55 a.m., the press conference was concluded.)