



UNITED STATES DEPARTMENT OF JUSTICE

Press Conference

THE HONORABLE JANET RENO, ATTORNEY GENERAL

Thursday, December 10, 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, for four years now you've declined comment even in any matter that even bleakly could be connected with the independence of the independent counsel's investigation. But not right now the country is going through something it hasn't gone through for over a century.

We know that the Department has researched impeachment issues in case it would be asked by the Judiciary Committee. The Judiciary Committee hasn't asked you what an impeachable offense is. Would you like to tell the American public what an impeachable offense is?

ATTORNEY GENERAL RENO: No. I think the determination should be made in the context of the committee.

QUESTION: Ms. Reno, you're the Nation's top lawyer. If you don't know what an impeachable offense is, who does? And if you don't tell the American people, who will?

ATTORNEY GENERAL RENO: Congress enacted an independent counsel statute. And I am removed from that particular proceeding. And I think that the comments should be made there by the people involved.

QUESTION: Thank you.

QUESTION: Ms. Reno, do you agree with Independent Counsel Don Smaltz that the mere indictment of someone should serve as a deterrence?

ATTORNEY GENERAL RENO: I will not comment on any matter that Mr. Smaltz has addressed for the very reason I referred to earlier. I've tried to ensure the independence of the independent counsel. I will say that, in terms of what I do at the Justice Department, a person is innocent until proven guilty, and it is a conviction that speaks.

QUESTION: Thank you.

QUESTION: Ms. Reno, the telecommunications industry has written you a letter, asking that the Department tell the FCC how much it would cost to implement the CALEA system. Does the Department have such figures? And how much would it cost?

ATTORNEY GENERAL RENO: I think it is important that the industry and the Department try to work together on this issue, to make sure that the cost estimates are appropriate. And I think it will be important for us to understand what will be involved and what information the industry has and what the problems the industry feels are applicable, so that we can make an informed determination.

QUESTION: So it is not correct that the Justice Department has its own independent analysis of how much it would cost?

ATTORNEY GENERAL RENO: That's correct. But I think we would like to work with everybody to figure out what the appropriate cost is. People shouldn't have to take a loss because of a circumstance. And yet the taxpayers of America should be protected against inappropriate costs.

QUESTION: Ms. Reno, with regard to the independent counsel statute and its sunset next year, does the Department have any effort underway to evaluate the statute at this time and to make its own suggestions? Or is it going to wait for either elsewhere in the administration or from the Congress to act and then make its comments?

ATTORNEY GENERAL RENO: As I have said, as I make these decisions, I have tried to address it based on what the law is and what the legislative history is, so that I can try to correctly construe what Congress intended. I have made one comment to date. And that is that there should be some budget system for the independent counsel, so that they are responsible for a specific budget. It shouldn't be an open-ended account. Because all of us in government have to face budgets and limitations and balanced budget issues. And I think that is an important step in public policy.

My understanding is that the Deputy has asked people to consider what might be done in preparation for a reauthorization issue. But I have not seen the results of that.

QUESTION: You don't have a little list?

ATTORNEY GENERAL RENO: I do not have a little list.

QUESTION: Speaking of independent counsel matters, is the question of whether Independent Counsel Bruce has sought an expansion of her mandate regarding Harold Ickes a matter of sufficient public concern that you would ask the Special Division to allow public notification should you communicate with the Special Division on that matter?

ATTORNEY GENERAL RENO: I would not comment.

QUESTION: Back on the budget issue, the obvious, I guess, concern about anyone having control over the independent counsel's budget is that then the independent counsel would lose some independence. Are you saying that that's a necessary adjustment or do you not concede that it would jeopardize in any way the independence of an independent counsel?

ATTORNEY GENERAL RENO: I think that you could make an appropriate arrangement -- I haven't considered how it could be done -- between Congress and the independent counsel to require the submission of a budget.

QUESTION: Should the budget be established on a case-by-case basis, or are you talking about --

QUESTION: I have not considered that. I just think that there should be some -- as with everyone in government, an independent counsel or otherwise, we operate based on a budget and I think fiscal responsibility in our duties to the

taxpayer require that we do that.

QUESTION: Does that mean, then, that you think there's been some excessive spending by some of these independent counsels?

ATTORNEY GENERAL RENO: I've not reviewed that issue.

QUESTION: Do you have a ball park figure in total of how much the IC's have spent over the years, including earlier investigations?

ATTORNEY GENERAL RENO: No, I do not.

QUESTION: Ms. Reno, where are you in terms of your evaluation of whether Mr. Starr violated any ethics or laws in relation to his investigation?

ATTORNEY GENERAL RENO: We're still reviewing it to determine what the appropriate course of action is.

QUESTION: Ms. Reno, what would it take for you to get involved in a case of possible obstruction of justice?

ATTORNEY GENERAL RENO: I do not do what-ifs.

QUESTION: If Congress asked you, you are prepared to answer that way. If for some reason --

ATTORNEY GENERAL RENO: If we have something to answer.

QUESTION: Ms. Reno, I do not think that's necessarily a what-if question. What's the threshold to start some sort of involvement?

ATTORNEY GENERAL RENO: One of the things that you do is address issues based on the facts before you, and not speculation. And I will make a judgment when I have to make a judgment.

QUESTION: Can you make any comments, Ms. Reno, on the reports published today regarding the Hughes Corporation aiding the People's Republic of China in their missile and satellite program; and the investigation that's going on by the Justice Department, is that comprehensive for this whole issue?

ATTORNEY GENERAL RENO: As you know, I do not comment on pending Justice

Department investigations.

QUESTION: The new Teamster leader, Mr. Hoffa, says he wants to get out from under the consent decree that's been ruling the Teamsters Union. Is that something that you would consider?

ATTORNEY GENERAL RENO: I think we've just got to see what people are suggesting and proposing and make appropriate determinations at the time.

QUESTION: Ms. Reno, may I return to the Pinochet issue. You've talked about this the last several times we've been here, saying that the Department is cooperating with the request from Spain for files, materials and so on. Stepping back from the specifics of this case, does the Justice Department -- do you have any concerns about this whole issue of other countries making arrests of other nation leaders, that it could potentially jeopardize Americans, who could become the victims of political trials in other nations?

ATTORNEY GENERAL RENO: With respect to the issues that exist now between Spain and Chile, that's an issue that I would not address. I think we have got to make sure that we take appropriate steps to ensure that our laws are enforced. And we'll continue to do that.

QUESTION: Aside from what the Department is doing in reviewing documents in response to Spain's request under the MLAT, there have been reports that people in the Justice Department -- and there's a dispute about at what level, whether it's low, middle or high level -- are reviewing whether there's any case to be brought against Mr. Pinochet in this country for the Letelier-Moffett killings.

This review, at whatever level it's going on, is it concerned with whether there's sufficient evidence, or is it concerned with whether Pinochet can be charged -- a person of his status can be charged?

ATTORNEY GENERAL RENO: My understanding is that staff is reviewing it to see just where we stand with respect to the status of the investigation and the circumstances that apply now. And I have had no report on it.

QUESTION: Can you say if the investigation has been reopened?

ATTORNEY GENERAL RENO: My understanding is that it was never closed.

QUESTION: Can I just go back to the other issue a moment about whether there's any policy concerns about the Pinochet business or things like it. And I

guess it's the "things like it" part that I'm most interested in. You said you want to make certain that we take appropriate steps to see that U.S. laws are enforced. I guess what I'm wondering about is, is there any concern that as we go through this process we are potentially exposing Americans who could become the victim of -- you know, some former American official goes to another country and that nation decides to charge him with unspecified crimes. Is that a concern that this could develop into that?

ATTORNEY GENERAL RENO: I think all of these issues have got to be addressed as we consider how we handle matters that have an international consequence. And I'm thinking in terms of just our extradition policy. When we enter into an extradition treaty, there are concerns by some nations that their nationals will not be treated fairly in other courts, and so they won't extradite their nationals.

What I've tried to say is we build trust in this world; let us try to develop structures that will permit justice to be achieved regardless of the forum, and that it be achieved in the best way possible. There are a number of issues, and certainly I think that is one that has to be considered.

QUESTION: Is that something, though, that the Justice Department considers or something for the administration at large?

ATTORNEY GENERAL RENO: I think one of the issues that I've seen in these five years, and really saw before I came to Washington as a prosecutor in Miami, was that so many of these issues are becoming international in consequence. And so it's important for the State Department, the Justice Department, the National Security Council, to work together to make sure that diplomatic interests are considered, that national security interests are considered, and that law enforcement interests are considered.

QUESTION: Attorney General Reno have these reports that they had received cooperation from the Department of Justice relating to matters of the brother of President Salinas and Citibank, you know, the money that they transferred to Europe.

ATTORNEY GENERAL RENO: We're trying to do everything we can to cooperate with the government, to ensure that appropriate information is provided.

QUESTION: Will you comment --

ATTORNEY GENERAL RENO: All I can say is that we're trying to do everything we can under our law to provide whatever information is appropriate.

QUESTION: Ma'am, the National Council of State Legislatures is in town for their meeting. One topic they're going to pick up there today is controlling sex offenders in communities. Now there seem to be a continuous stream of nasty stories of how -- what goes wrong when communities try to implement Meagan's Law provisions. Is there some concern about that in the Department on whether adjustments might be needed?

ATTORNEY GENERAL RENO: I think the whole issue involves an appropriate management of the situation. And the Justice Department has worked with others who are concerned in this area to see how we properly address the issue from a management point of view with regard to the person being able to live within a neighborhood and live free of harassment, but at the same time with appropriate cautions being provided for the citizens.

QUESTION: Ms. Reno, Texas has scheduled an execution tonight of a Canadian national. And there seemed to be some consular issues. I know that Secretary Albright has written a letter to the Governor, asking for a delay. Has the Justice Department been approached to intervene in this matter or --

ATTORNEY GENERAL RENO: Not to my knowledge.

QUESTION: Ms. Reno, can I go back to the decision you made on the independent counsel for the President and the fundraising issue. You say in your memo that part of the difficulty -- your memo to the three-judge panel -- that part of the difficulty here is applying election law.

Is it, in your experience, a particularly fuzzy area of the law, it's difficult to interpret? And if it's hard for you to apply, must it not be hard for candidates to know when they're in conformance?

ATTORNEY GENERAL RENO: I think the application, or the notification, to the court speaks for itself in terms of some of the issues relating to election law.

QUESTION: Are you completely satisfied with this longstanding Justice policy of deferring to the FEC when the FEC seems to be completely toothless and unable to deal with these questions?

ATTORNEY GENERAL RENO: I think it is consistent with congressional intent.

QUESTION: Is that something that -- I mean considering that you're under pressure from members of Congress to do something about particular

investigations and you feel that you're hamstrung by the state of the laws, are you considering going to Congress and saying, give me laws I can execute?

ATTORNEY GENERAL RENO: I think Congress has got to look at this issue and makes its determinations.

QUESTION: Ms. Reno, Dan Burton has sent you a letter. And in this letter he alleges that the Justice Department is the source of leaks regarding the campaign finance investigation, et cetera. And I guess I should ask, is there any credence, in your opinion, to that allegation? And is the Justice Department looking into any of his allegations?

ATTORNEY GENERAL RENO: We have undertaken investigations with respect to the leaks. And, upon receipt of his letter, we reviewed it to make sure that we are pursuing all appropriate matters.

QUESTION: So you started a leak investigation when you got his letter?

ATTORNEY GENERAL RENO: No. As I indicated, we had started investigations in a number of these issues. And we're just reviewing his letter to make sure that we have not omitted any appropriate case for investigation.

QUESTION: May I ask why the Department does leak investigations? They always seem to have singularly -- there seems to be a fundamental problem with a leak investigation when you're dealing with leaks to the press -- other than the fact that we all love leaks -- and that is that I can't think of a circumstance when the government ever goes to reporters and polygraphs them.

ATTORNEY GENERAL RENO: Are you willing?

(Laughter.)

QUESTION: Is there a concern -- well, it doesn't happen very often. It doesn't happen very often. I mean there must be -- for every, I do not know, thousand leak investigations, if it happens once it would be a surprise. In that case, don't they seem, to some extent, that they'll always be somewhat inconclusive? What is the purpose of them? Isn't there a sort of intimidation factor? I just wonder if you think leak investigations ever accomplish anything.

ATTORNEY GENERAL RENO: I think leaks, particularly where it's of classified information that's sensitive or if it's grand jury information, is something that is of grave concern to government.



At the same time, the first amendment gives the press protection in order that you can engage in your truth-finding. And I think, as I've told a number of you around this table, I think that's an important undertaking.

It is one of those great balances of government. There is no black and white issue in government. It is a matter of balancing the press's freedom of press and government's responsibility for seeing that the laws are enforced. And those balancing issues are always going to be difficult and sometimes inconclusive.

I think it is important that we pursue these. They are extremely frustrating, considering the wide range of people that know about the situation. But I think we've got to continue -- you, to fulfill your responsibilities with the free press -- and I'm not sure that your editors or news directors would like the word that Pete Williams has been told to take a polygraph test by the Department of Justice. I can hear it now.

(Laughter.)

QUESTION: Ms. Reno, I think none of us would be happy to do that. Some people in the Department say that you yourself, personally, have become much more angry, frustrated, concerned about leaks in the last year, that you've been on the warpath, even, about leaks. Do you think that you have become more concerned about them recently than you were when you started your checks?

ATTORNEY GENERAL RENO: I think when I -- the first leak I saw -- and I can't remember what it was -- I just was amazed that people would do something like that. And I continue to be concerned -- deeply concerned -- when people violate the law.

QUESTION: Ms. Reno, it's no secret to anyone at this table that Congress leaks like a sieve. I mean it really is shameless on the Hill. Is that the source of some of your reluctance to share confidential information with Congress, including Chairman Burton's committee?

ATTORNEY GENERAL RENO: No. My concern with the oversight function of Congress is that I want to do everything I can to ensure Congress's ability to engage in that oversight, while at the same time recognizing that we have responsibilities to enforce the law the right way. And that's another one of those balancing acts. And it's a difficult task to undertake. But I think that's what government is all about.

It has been a fascinating experience. You go through elementary school and high school. You take government courses. You go to law school. You study about checks and balances and the three branches of government and freedom of the press. Then you get here, and these are the real-world issues that you have to deal with. And you think, maybe it's just this time. And then you read a little bit of American history and you realize that Adams and Jefferson and Washington all had the same issues. And it comes down to human beings and how we try to do things.

QUESTION: Ms. Reno, to piggy back on what Pete was saying a moment ago, when it does not involve 6(e) material, when it does not involve classified material, are leak investigations appropriate, because they do have a chilling effect?

ATTORNEY GENERAL RENO: Well, those are the issues when -- if it is not against the law to leak and if something hasn't been -- you just have to look at the particular instances, to see whether it's a violation of a rule of conduct. Because the other factor that you have in here when something is leaked, if it's not a violation of 6(e), if it doesn't affect national security, if it's not a violation of law, it may affect a defendant's right to a fair trial. To discuss a case in the headlines rather than in the courtroom is wrong.

And there again you have another balancing issue that you've got to weigh -- the defendant's right to a fair trial versus the press's right to properly report. And on each of these, it takes a thoughtful, measured consideration to try to achieve the appropriate balance.

QUESTION: Ms. Reno, of all the leak investigations that have been conducted under your tenure, are you aware of anyone within DOJ -- any lawyers within DOJ who have been reprimanded or disciplined or action has been taken against him or her?

ATTORNEY GENERAL RENO: I do not know what I can appropriately comment on. I'll ask Myron to check and to make it available, anything that would be appropriate, after this session.

QUESTION: Have you have set a similar standard of integrity of your employees as you have sought to exhibit?

ATTORNEY GENERAL RENO: I try to exhibit the standard. And one of the things that so impresses me, and you've heard me on this before, but people -- not government employees -- they call them bureaucrats, kind of making bureaucrat

sound like something less than the best -- the people that I've worked with in the Department of Justice and all of its components, again and again, impress me so very much with their integrity, their hard work, their dedication, their commitment. They are pretty special people.

And I have a mission. And that's to let the people of the United States know how many dedicated men and women work with them and for them in the Department of Justice throughout this country and around the world.

QUESTION: Ma'am, are there any programs or initiatives that you plan to -- would like to significantly increase in the fiscal year 2000 budget that's now being prepared?

ATTORNEY GENERAL RENO: We will let the President's budget speak for itself.

QUESTION: Ms. Reno, is there a Department policy that defines what you consider to be 6(e) material that you hold up in instances such as these leak investigations?

ATTORNEY GENERAL RENO: Let me ask Myron to see what I can provide for you that is directly on point there. We obviously have Judge Johnson's statements. And we have some -- I'm sure there must have been some provisions made available throughout the Department, but I'm not sure what I can comment on and what I can't. So I'd ask Myron to provide that for you after this.

QUESTION: Ma'am as somebody that has initiated a number of investigations recently on this very point. I'm curious what you consider triggering mechanisms. For example, is the direction of an investigation something that you consider 6(e) material when you have ordered leak investigations?

ATTORNEY GENERAL RENO: Let me just suggest to you that rather than go too far, let me ask Myron to give you whatever is available afterwards.

QUESTION: Speaking of Judge Johnson's ruling on the leaks issue -- well, I guess it's not a ruling -- her solicitation, her notice of -- whatever the heck it was -- that thing that she wrote -- to be specific -- is there any concern that states the state of the law in a way that the Justice Department finds overly restrictive? Has the Department considered filing anything to in any way differ or suggest that that's not the correct interpretation?

ATTORNEY GENERAL RENO: I think we're reviewing all of these issues to see what the appropriate response should be. And I think whatever response should

be more formal.

QUESTION: At what point would you be able to file something in that matter?

ATTORNEY GENERAL RENO: Well, I'm not sure what the appropriate response is. And that's the reason I would like it to be presented in a more formal manner.

QUESTION: Ms. Reno, the Campaign Finance Task Force, when last we looked, there were about 120 people on the Task Force. Is it still at that staffing level?

ATTORNEY GENERAL RENO: I'm not sure what the staffing level is now. Each week I ask them, do you have enough staff, do you have everybody that you need? And they tell me either that they do or they're about to get the person.

QUESTION: Any news about when we may hear more of the foreign sources of campaign financing in the 1996 campaign, especially those that were coming from Asia? Will you be reviewing that any time soon?

ATTORNEY GENERAL RENO: As you know, I can't comment on what I'm reviewing and not. But as I have said on a number of occasions, it is comprehensive and thorough.

QUESTION: Ms. Reno, on the campaign finance investigation front, you earlier were talking about independent counsels and the need for a sense of budget and priority in terms of law enforcement resources. Do you have any sense of limitation, in terms of time, expense, et cetera, for the campaign finance investigation? Do you have any way of knowing when you think you put enough into that?

ATTORNEY GENERAL RENO: I think we want to make sure that we pursue every lead and that we pursue it to where it takes us. And I can't do anything but make that commitment.

QUESTION: It's essentially open ended in terms of as a budgetary matter.

ATTORNEY GENERAL RENO: One of the things that you have to do is to look, as you run a department, on how you use the dollars, the limited dollars, the Congress gives you and be prepared to be accountable. And I will be prepared to be accountable at the conclusion of the investigation for the dollars the Congress gave me.

QUESTION: Ms. Reno, is there any special recognizance that the Department

would take when conducting an investigation involving an agency like the CIA?

ATTORNEY GENERAL RENO: I would not comment except to say that in any situation in which you undertake an investigation, you try to do it in a way that gets to the truth and that protects the law and protects the Nation.

VOICE: Thank you.

ATTORNEY GENERAL RENO: Thank you.

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