



WEEKLY MEDIA BRIEFING WITH ATTORNEY GENERAL JANET RENO

JUSTICE DEPARTMENT

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ATTY. GEN. RENO: Good morning.

Q Good morning.

Q Ms. Reno, some months ago Judge Starr referred an inquiry to you that leaks from his office, number one, that -- this

was a very public referral. Number one, is that inquiry finished? And number two, will you make the results of that inquiry public before the end of the Starr investigation?

ATTY. GEN. RENO: I can't comment because it is pending.

Q Are all these matters going to be pending until the end of the Starr investigation?

ATTY. GEN. RENO: That depends on what comes of each one.

Q So there is some possibility that we'll have something before it all --

ATTY. GEN. RENO: As I have said on previous occasions, you cannot suggest what the timing is going to be. I used to suggest at home, "Oh, we'll get it done in two months," and then something would come up in the course of the investigation that would give us a new avenue that we had to pursue. So I've determined that it's the better part of valor not to speculate.

Q Are you planning a big party for next week's demise of the IC law?

ATTY. GEN. RENO: Frankly, I'm going out to the U.S. attorneys conference and then I'm going to go celebrate my aunt's 80th birthday.

Q Oh!

Q Ms. Reno, does the administration take a position on the flag-burning amendment -- whether we should have a flag-burning amendment? And what is the Justice Department's view?

ATTY. GEN. RENO: Our position is that the -- burning the flag is not a good thing to do, but we should not tamper with the First Amendment for the first time in history.

Q Do you have any idea how many federal -- or, sorry -- how many potential flag-burning cases there are? How often do

people burn flag -- is this a big problem?

ATTY. GEN. RENO: I don't think people burn flags -- our flag -- very often. It is -- I mean, that flag out there is just beautiful. The deputy has a better vantage point, because out his window it really just flies totally unfurled and it is a remarkable symbol for this nation, that this nation is strong. And it's based in so many ways on the Bill of Rights and it has -- the Bill of Rights as we have known them have lasted for the duration of this country's history, and I think they have served us well.

Q Ms. Reno, there's legislation pending in the House that is aimed at curbing alleged abuses by the federal government in terms of seizing assets of persons associated with drug smuggling. What's the Department position on that? And are there too many abuses?

ATTY. GEN. RENO: When we took office, there were concerns raised about the use of asset forfeiture laws and the seizure of assets.

We worked with members of Congress to draft legislation; we worked with the law enforcement community to draft legislation that recognized that civil forfeiture is an important tool for law enforcement -- it dates back many years, I think till -- to about 1792 -- that there had been abuses, and that they needed to be corrected.

The two versions, the Department of Justice's version and the Hyde H.R. 1658, both place the burden of proof on the government. Both provide for an innocent owner defense. The distinctions are that with respect to the burden of proof, in 1658 it's clear and convincing evidence. That is not the usual standard used in civil proceedings, and that's not the usual standard used in a money-laundering case against a bank, or other civil proceedings. That standard is a very high standard used in very specialized cases, and we don't think that the distinction should be made. So ours is by a preponderance of the evidence, which is the usual standard used in civil cases, and we don't think that the criminals should have a higher standard.

The other -- one of the other significant differences between the two versions is that if someone inherits the property of a criminal, under 1658 the statute provides that they are an innocent owner, and we cannot seize the property from them. And we -- although we provide for the innocent owner defense, we do not extend it to the heirs of someone who got their property by criminal means.

Q Ms. Reno, what would be wrong -- one of the key criticisms of asset forfeiture is that the government can move against assets before the owner is convicted. What would be wrong with a rule that says you can't seize someone's assets until they've been convicted of a crime?

ATTY GEN. RENO: I think we can fashion that. And what I'd like to do is make sure that -- so that we go through it in detail, that I ask Myron to give you the details after we're through here, so that it is very clear.

Q Ms. Reno, regarding the Iraqi dissidents that are going to be released today, do they still pose a threat to U.S. national security interests? And do we know where they're going to go next?

ATTY GEN. RENO: I won't comment until we can appropriately do so. And I'll ask Myron to make whatever statement available to you at the time.

Q Ms. Reno, on gun control legislation, you may have had heard Mr. DeLay's remarks, a few days ago, where he suggested that the background-check issue could be resolved in some way if the FBI would work weekends.

I was wondering what you thought of those remarks, if you did hear them? And is there any basis to the idea that they seem to be suggesting that there is a slowdown over the weekend period in background checks? Is there some down time, a basis for his remarks?

ATTY GEN. RENO: Here is the problem. And I don't think he quite understands how the procedure works. And I think it is important for everyone to understand.

The FBI is not the cause of the concern about weekends because it can respond. What is the cause of concern is, as I have said on a number of occasions, the criminal history records of many states are not complete. If you pick up the rap sheet of a person, you'll see in some instances, a complete rap sheet. In other words, there is a charge, there is a disposition; either a conviction, an acquittal or dismissal.

But in many instances, you will pick up a rap sheet or a prior criminal history, and you'll see that there was a charge for armed robbery in 1993 but no disposition of the case. You then have got to go back to the courthouse, to the clerk's office to the records, to find out what happened to that case. And it is the courthouses of the country that are not open on the weekends, that cause the problem.

Q Ms. Reno, can you give us any update on the manhunt for Rafael Resendez-Ramirez; where it is focused now, how many agents are involved in this?

ATTY GEN. RENO: Obviously, I don't want to give any leads as to how they are doing it except to say that, as I understand it, some 200 agents, state and local law enforcement officers, are involved in this effort. And we are going to continue to do everything that we can.

Q Do you have any information about where he might be headed? Is the search focused on any specific regions, other than just along the tracks?

ATTY GEN. RENO: Again, I am not going to comment. Any comment like that should be made by the agencies themselves in terms of comment that could help in terms of the apprehension.

Q About the last time we saw you, you were making a plea on the gun issue, which hours later became sort of history, when the House defeated everything. What is your thinking now about what the government can or should do, if

anything, to try to bring about some of these changes that you were seeking?

ATTY GEN. RENO: I hope that people will come together and, in conference on the juvenile justice bill or otherwise, see if we can't draw from the Senate bill the good provisions and fashion something that nobody should really object to, which is, if I go into a federally licensed firearm dealer's shop today, he's got to do a check to make sure that I am lawfully entitled to possess or purchase a gun. If I go to a gun show today, if a federally licensed firearm dealer is there, he has got to do the check, but the person who's not the dealer doesn't.

All we're trying to do is to make sure that criminals don't get guns. And that seems to me to be something that everybody should accept.

Q So when there's a juvenile justice conference, you're still hopeful that some gun control measures will come out of that, even something on gun shows?

ATTY GEN. RENO: I'm hopeful that we can really -- everyone can work together, that we can hear the messages that I'm hearing from America when I go out there and talk about this issue, and that we can come up with something that is based on common sense, and that we get rid of the partisan political rhetoric that clouds the issue and look at the facts, look at what the legislation tries to do, and take some common-sense steps to keep guns out of the hands of criminals.

Q Ms. Reno, there's apparently some legislation to deny the department funding for any kind of civil action against tobacco companies, including the denial of any money for expert witnesses. Can you still sue without those extra funds? And where does that stand?

ATTY GEN. RENO: We are, again, working with Congress to address these issues. And I think it is very important that when there is a cause of action for the recovery of monies that the taxpayers of this nation have spent, and if there

is a basis for it, that the government proceed to protect the interests of the taxpayers.

Q Ms. Reno, recently Juan Antonio Samaranch of the International Olympic Committee suggested that his colleagues on the IOC were hesitant about coming to the U. S. for various meetings for fear of being questioned by the FBI. Do you have any sense of whether or not they are not cooperating with you in this investigation? And what's the status of that investigation right now?

Can you -- do you have any sense of whether or not they have -- they are not cooperating with you in this investigation? And what's the status of that investigation right now?

ATTY GEN. RENO: I would not comment, except to ask Myron to make any statement that would be appropriate after we review it.

Q Can we ask about some other old business? Is the -- are the negotiations going well between the Justice Department and the Zapruder family on trying to find the value of what the government should pay the Zapruders for the film?

ATTY GEN. RENO: You always give me history lessons. I thought this was current events. (Laughter.) Let me ask --

Q Well, you could make it very current! (Laughter.)

ATTY GEN. RENO: Let me ask Myron to give you a report, so we're accurate.

Q Okay, I'll play that game. (Chuckles.)

What about the review of the King assassination?

ATTY GEN. RENO: That is pending.

Q Any idea when or if it'll ever finish? Have you received any reports, any interim reports?

ATTY GEN. RENO: I receive reports -- again, we just want to make sure that what we do is thorough.

Q Ms. Reno, do you believe that there are transshipments of large quantities of cocaine coming through Cuba into the United States? And does Cuba belong on the list of countries that are indeed exporting drugs to the United States?

ATTY GEN. RENO: I would not comment.

Q Ms. Reno, there are some in the House concerned that Mexico is not cooperating with extradition. Any thoughts on that?

ATTY GEN. RENO: As I understand, the concern specifically yesterday was raised with respect to the Del Toro case, which is a very tragic case. That is in the Mexican courts now, and the Mexican government has taken steps to see that he is extradited.

Sometimes when cases are in the courts in this country, they take a lot longer than we'd like. And I think we've got to recognize that there are judicial proceedings under way that we'd like to have move much faster, but that there are circumstances that the Mexican government, as we in the same situation, would not be able to control while it is pending in the court.

But we -- when I was in Mexico for the binational commission, we raised this issue. This is of grave concern to us. I know when I served as a local prosecutor, it was very frustrating when you could not immediately effect extradition.

And we are going to continue to do everything that we can to ensure the appropriate extradition.

Q Ms. Reno, the department has had a policy of not taking actions before an election, that would influence that election. Now, there is at least a slim possibility at the moment that the independent counsel's office will call the

first lady as a witness for the Webb Hubbell trial this fall. Is that in keeping with long-term department policy?

ATTY GEN. RENO: I would not comment. As you know, I have tried not to comment on the actions of the independent counsel in order to ensure the independence of the office.

Q Have you had any discussions with Ken Starr about taking over any portions of his investigation? Has he approached the department about that?

ATTY GEN. RENO: The only discussion I can remember having is after one of my hearings this past spring. He commented to me that he had noted my statements at the hearing.

Q (Laughs.) Well, which particular statements are we talking about?

ATTY GEN. RENO: I am trying to remember exactly what the issue was. I just wanted to make sure that I answered your question as carefully as I could. (Laughter.) But I think it was with respect to my statements about what we would seek to do if the Independent Counsel Act was not reauthorized.

Q So when he said he noted your statements, did he note them with approval, dismay?

ATTY GEN. RENO: I'd let you ask him.

Q So the discussions have been only very general?

ATTY GEN. RENO: Very general.

Q Well, what do you think of Senator Thompson's idea for sort of memorializing the special-counsel procedure in the Justice Department but giving Congress oversight for requiring you to submit a plan to them as to how you would do that?

ATTY GEN. RENO: We want to work with everybody to come up with something that addresses the concerns that have been

raised. If you start back, in terms of Congress saying you can or can't do this, you get into again some of the issues that we faced. But I think, based on the statements that have been made by Senator Thompson and others, that we can work through these issues.

We have spent the last three months drafting regulations that try to address the issues. We have taken guidance in many instances from the Dole-Mitchell report. We will continue to try to work with Congress -- and to consult with Congress to make sure that we come up with something that is appropriate.

Q But would you oppose his proposal if it included the provision for giving Congress oversight of that --

ATTY. GEN. RENO: I think we just need to work with Senator Thompson and consult with him and see just what we come up with.

Q Well, do you oppose the idea of legislation instead of just your own regs?

ATTY. GEN. RENO: Again, I think we should discuss it.

Q Ms. Reno, I take it the Department's position is still that the law should not be reauthorized, the independent counsel law. Can you give us generic overview of how the Department thinks life should be after June 30th in terms of these kinds of actions?

ATTY. GEN. RENO: Basically, I think the attorney general gets held responsible for it one way or the other, and so the responsibility should lie with the attorney general. The attorney general should have the basic responsibility for determining when a special counsel should be appointed, the scope of the jurisdiction of the special counsel, and should be responsible for removing the special counsel if there is reason to do so. And she or he, if they do wrong, should answer and have to answer the questions concerning it.

Q Will your regulation state that the special counsel can only be removed for good cause, or would it be more like your removal of any employee nowadays?

ATTY. GEN. RENO: We are working through these issues.

Q Will your regulations be ready to go on July 1st? Sounds like you're still working on it.

ATTY. GEN. RENO: We always work on -- There is one thing about government; you always work down to the deadline. One of the points that I want to do, I want to pursue, is I want to pursue consultations with Congress. We expect our regs to be ready to go on July 1st, but we do want to make sure that we consult and that we have the benefit of the latest thinking on the part of those that have been involved in this effort.

Q Will you have a mechanism for making those public?

ATTY. GEN. RENO: If they're not public, they're not much good as regs. (Laughter.)

Q Do they have to be published in the Federal Register and all that?

ATTY. GEN. RENO: I'll ask Myron to let you know what has to be done.

Q As for Senator Thompson's proposal, wouldn't you have the same constitutional problem with legislative oversight that you had with judicial oversight? They have an executive counsel, or an executive investigator.

ATTY. GEN. RENO: We will work through all those issues.

Q Ms. Reno, may I ask about the guns for a moment.

ATTY. GEN. RENO: You can always come back to anything that you'd like.

Q Thank you very much. (Laughter.) I'm thinking of the

Zapruder film -- (laughter). One of the things that's been said about -- during the gun control debate -- is many on the Hill say, "We understand the Department's desire to keep guns out of the hands of criminals," and then that seems to divide folks up there on those who believe that no matter what else is done, it's very important to close the gun show loophole.

Others say that the government -- the federal government is missing the boat in one key way: another way, in addition to closing the gun show loopholes, no matter what is done there, would be to notify local law enforcement officials whenever someone with a criminal background tries to buy a gun, on the assumption that if they get turned down one place, they'll go somewhere else. There aren't many federal prosecutions. There aren't many federal referrals to local law enforcement agencies when that happens. Is that a legitimate complaint?

ATTY GEN. RENO: I think it's important, because the major purpose is making sure that they don't purchase the weapon. And I think the best way to do that is to make sure that there are background checks.

We are reviewing the processes to make sure we can in an effective manner pursue any case, either in the state court system or in the federal court system, that is appropriate. But the major thrust of this has been to keep people from purchasing them, and I think the best way to do that is to ensure the background checks.

Q Granted, but would, for example, it make any sense to, if a convicted felon tries to buy a weapon and fails the FBI background check, some way to modify the computer so that it flags that to the -- sends a teletype to the local sheriff's office or whatever? I mean, is that -- does that make any sense to try to pursue?

ATTY GEN. RENO: Let me explore it.

Q Have you had a chance to review the Supreme Court's ADA ruling this week?

ATTY GEN. RENO: I haven't had a chance to read it yet.

Q So you have no thoughts or comments to share with us on it?

ATTY GEN. RENO: With respect to the three issues on those whose disability can be corrected by medicine or by glasses or something like that, I think we're reviewing it to see just what ultimate impact it will have.

With respect to the community placement issue, we're very gratified by that, and we'll be working with Secretary Shalala and HHS with regards to making sure that the government does its part.

Q Was -- go ahead, Mike.

Q On the same subject, I was going to ask whether you're reviewing the federalism decision yesterday --

ATTY GEN. RENO: Yes.

Q -- and its impact on the enforcement of the federal laws?

ATTY GEN. RENO: We are reviewing that, but we haven't -- we've had less of a chance to review that than the other.

Q Ms. Reno, I don't know if Mr. Freeh yesterday was asked this question directly, but with the increased, or continuing, tensions and the firefights that have involved American troops in Kosovo, is now the time to send in the forensic teams of the FBI people? And will they be protected by U.S. troops?

ATTY. GEN. RENO: I have concerns anytime agents go in harm's way, but I think that the FBI has been working with the military commanders to ensure that appropriate precautions will be taken.

Q How's Wen Ho Lee?

ATTY. GEN. RENO: I don't know. (Laughter.)

Q Any update on his case?

ATTY. GEN. RENO: No, it's still pending.

Thank you very much.

Q Thank you. Good day.

END.