



WEEKLY JUSTICE DEPARTMENT MEDIA BRIEFING WITH ATTORNEY

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U.S. DEPARTMENT OF JUSTICE

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Q Good morning.

Q Ms. Reno? Employees of Los Alamos seem to be walking out of secure facilities with nuclear secrets stuck to the bottom of their shoes.

(Laughter.)

A few weeks ago a portable computer, a laptop, was stolen from the State Department, containing classified material.

A former director of the CIA is being investigated for keeping classified material in his home on a nonsecure computer that's connected to the Internet.

Government-wide, there seem to be plenty of people who should know better who don't have a clue about security in the information or the cyber age.

Isn't it time for the Clinton administration to get together and work up some kind of policy and make people aware of what's going on?

ATTY GEN. RENO: I think it is important that everyone look at the briefings that they have received and refresh their memory.

And if we see instances in which there has been a failure to advise people of appropriate security steps to be taken, then we will certainly call that to everyone's attention.

Q But you're confident that employees of each government agency have been briefed? They're just not paying attention to these briefings?

ATTY GEN. RENO: I can't comment on motivation. But I just think it is vitally important that everyone be fully informed and have refreshment briefings, if you will, on a regular basis.

Q Ms. Reno, can you explain to us why you oppose the proposed legislation to make leaking classified information a crime?

ATTY GEN. RENO: I don't oppose legislation. What I want to do is to work with everybody concerned to try to address issues that can develop legislation that will be useful and that can get passed.

Q Do you have First Amendment concerns about the legislation as it now exists?

ATTY GEN. RENO: I think everyone wants to focus on an appropriate protection for the First Amendment concerns that we have.

And I think what we want to do is make sure that the information that is classified is truly classified, and that there is no attempt or that there's no ability of people to overclassify information, to limit what can be truly discussed in the public's domain.

Q Do you think, personally, that the best way to deal with leaks is prosecution?

ATTY GEN. RENO: I think prosecution can have a very great -- can be a very great deterrent. I think that steps also must be taken with respect to what has just been raised, to ensure that people are briefed as to their responsibilities with respect to classified information, and that they are refreshed on a regular basis as to what they can and can't do with it, particularly on computers.

Q Do you think that classified information is being leaked because people have just forgotten what their responsibilities are?

ATTY GEN. RENO: I think that what happens is that people don't recollect that -- sometimes that a particular piece of information may be classified. I think it is important for everyone to understand why it should be classified and the effect of it.

Q To clarify, you don't oppose legislation of some kind, but the idea of stiffening penalties and making felonies of classified leaks -- do you support that?

ATTY GEN. RENO: I think it is important, when information is leaked that is clearly classified, that is -- clearly could reveal sources and methods, that people know it, know that they're releasing it to people who do not have the classification or the clearance, that there should be -- that that is wrong, and that there should be an appropriate sanction for that.

I want to make sure that the information -- if the information is leaked, that before we can take action, we've got to make sure that it's properly classified.

Q But when you say there should be an appropriate sanction, do you -- should that "appropriate sanction" be administrative or criminal?

ATTY GEN. RENO: I think in certain instances it should be criminal.

Q And can you define those instances?

ATTY. GEN. RENO: One of the things I don't do is "what ifs," but the -- what I just described might be a good example.

Q Pardon me. What's the need for legislation? Have there been problems recently that seem to call for legislation?

ATTY. GEN. RENO: I don't know whether legislation can address the issue, because of the most important things is to identify the person and be able to prove the case. But I think, clearly, where there is information that is classified, that is appropriately classified, that if it is leaked would reveal sources and methods and expose people's lives to danger, that's just plain wrong.

Q But isn't it already?

ATTY. GEN. RENO: I think the question arises in the definitions of Sections 793 and 794, as I recall, and what does "national defense information" mean? And I think we need to look at that and see if there is language that can be developed that can more clearly identify what we're talking about in terms of the information that should be protected, but at the same time address the issues of an inadvertent disclosure to someone whom you mistakenly believe has clearance.

If it's inadvertent, I think we can craft language that can avoid criminalizing that type of conduct. I think it is important to make sure that we do not overclassify, so as to withhold from the public information that they should legitimately have.

I think we should address the issue of the First Amendment so that there is not a concern there, because the same concern exists today, and by public -- by policy and by guidelines, the Department of Justice, through one administration after another, Republican and Democrat, has determined that it would not go after the reporter, because of the First Amendment considerations.

That does not, then, say you don't go after the person who has leaked the information, when she or he knows that it is wrong to leak it and that it exposes people and sources and methods to exposure.

Q So you feel that it is improper for -- we have a glaring instance of this here in the Washington press for some years now -- when the reporter is taking information from a source that is confidential and it is being published, that neither reporter nor publisher should take responsibility for making that information public?

ATTY GEN. RENO: I think many reporters and many publishers exercise great responsibility and extraordinary restraint, and I commend them.

I think there are situations where, if a reporter broke into someplace and stole secrets, I think that's wrong.

And I think we have to address how you walk the line between a free press able to publish, and encourage public debate, and how we protect the national security of this country.

Q Is it wrong when the reporter is receiving information that is classified and just passes that information on to the public?

Is that wrong?

Is that irresponsible on the part of the reporter?

ATTY GEN. RENO: It would depend on the circumstances. I think, if it exposes people's lives to danger, it could be irresponsible.

But as I have pointed out, it has been the policy of the Justice Department, this Justice Department and previous Justice departments, not to focus on the reporter but to focus on the person who has the responsibility for maintaining that information in a secure fashion.

Q It leads me to ask this question then: Is that reporter responsible for revealing his sources, if you're going after the source of the information, or is that reporter exempt?

ATTY GEN. RENO: There are certain instances in which we have, as you know, authorized the subpoena of a reporter in situations where there is clearly a matter of great concern. But in these instances we have not because we have tried to walk that fine line, protecting the First Amendment and recognizing that reporters can be very stubborn.

(Chuckles.)

One of my stories:

I remember I was at college.

And my mother had refused to identify her source; she was a reporter.

And she called me.

And she said the judge told her to bring her toothbrush the next morning because, if she didn't reveal her source, she was going to jail.

And she felt very strongly about the First Amendment and was not going to reveal her source and went to court the next morning, and the judge relented.

I think the best thing is for the American press and the American media to exercise its responsibility, which it does, most days day in and day out, on a regular basis. And I think it is important for the American press, the free press, to encourage public debate and to get information out to the public.

But I think it is also important for the American press, as I have seen it do on a number of occasions -- is to exercise restraint, and I commend the press for that.

Q Ms. Reno, should the legislation apply to members of Congress and their staffs, as well as members of the executive branch?

ATTY GEN. RENO: I'll let Congress think about that.

(Soft laughter.)

Q Do you have an opinion about or a reaction to the appeals court ruling yesterday, the two-to-one ruling, that says that a state cannot prosecute in the Ruby Ridge case?

ATTY GEN. RENO: I'm very gratified by it, and I think the statement of the 9th Circuit is a very eloquent statement about the very difficult situations that law enforcement officials find themselves in. And I was very pleased.

Q On the Elian case, his Miami relatives have -- are seeking the full court -- full appeals court to review their case once again.

Are you concerned this might delay -- further delay Elian and his father getting back to Cuba and getting back to a normal life?

ATTY GEN. RENO: I would hope that the matter could be considered and ruled upon promptly and that we can go forward.

But again, the processes should take their course.

Q Can you offer any general guidance on about when we might reasonably expect the conclusion of the investigation of the Salt Lake City Olympic bid?

About how far out are we at this point?

ATTY GEN. RENO: I can't give you an estimation, and one of the things that I have learned is don't speculate, because you never know what you're going to find.

But if Myron can give you any guidance, I'll ask him to do so.

Q Ms. Reno, the Philippine authorities have said that they are going to bring charges in the Love Bug virus case. Does that pretty much foreclose any action by the U.S.?

ATTY GEN. RENO: We want to work with the Philippine authorities, and we will continue to do so and support them in every way that we can.

If there is action that is appropriate for us to take in light of what Philippine authorities have done, then we will consider that and work with them to effect the appropriate course.

Q So options are still open for the U.S.?

ATTY GEN. RENO: Again, I just want to make sure that we don't do anything that would interfere with the Philippine efforts, and that we do this in an appropriate partnership, because as I've said on a number of occasions, it is going to be so important for us to work with countries around the world in terms of developing legislation that will serve as a common denominator, in terms of working together to ensure thorough investigations, sharing equipment, tracing calls.

And I want to make sure that, whatever we do, it's done in the spirit of partnership that will build a capacity to deal with cybercrime around the world.

Q Do you still have an FBI team in Manila assisting the Philippine officials in this?

ATTY GEN. RENO: I believe we do, but I will ask Myron to confirm that for you.

(Pause.)

Thank you.

Q Oh!

(Laughter.)

I didn't want to get piggish.

Let me ask you about a gentleman named Jose Fatino Moreno (sp), highly regarded by U.S. throughout the enforcement people as being a very honest Mexican narc, assassinated, killed gangland style, I should say, tortured, in the Tijuana area.

Have you any comment about this heinous crime? And it is said also that this shows a lack of success against the Arrelano Felix gang.

ATTY GEN. RENO: I think this indicates how important it is for us to work together with the Mexican authorities to see that people are brought to justice for such acts.

I have expressed concern on behalf of the Justice Department.

Any time somebody like this is gunned down, tortured, it makes you realize what people are putting their lives on for around the world, and it's very important that we see that justice is done.

Q Another drug-related question. Seizures of drugs are down 80 percent in Panama. Representative John Mica says that it's just a horrible disgrace; Panama is becoming a greater transit point for drugs from Colombia. Do you have any comments on that?

ATTY. GEN. RENO: I think it is important that we continue to focus our efforts with countries in Latin America, throughout South America, and that we recognize that whether you're a small or large country, each one has a role to play.

I've just come back from a conference of law enforcement ministers in Trinidad -- law enforcement ministers from the

Caribbean.

I was so impressed by the representatives of so many small island nations who are doing their level best, some really doing extraordinary things, to see that the narcotraffickers understand that their island does not welcome them.

It is important for the United States to, again, be a partner with those nations striving to be drug-free.

Q Ms. Reno, I realize that the Visa-MasterCard case is now in litigation, a trial opening this week in New York, but can you tell us again what the government's fundamental interest is in bringing this case? How does bringing this case -- how would this protect consumers?

ATTY. GEN. RENO: I think it's -- one sometimes wants to try to explain litigation, but I think it would probably be better, since it is pending, for the issue to be discussed in court and not otherwise.

Q Ms. Reno, the Senate Judiciary Committee held a hearing on post-conviction DNA testing, and Senator Hatch and Senator Leahy have bills up. Senator Hatch's is more restrictive. Do you have any preference among those two bills?

Have you seen those?

ATTY. GEN. RENO: We just want to work with both gentlemen to make sure that we get appropriate legislation, and I think we want to work with Congress.

I think back to when I first started prosecuting, when DNA was, perhaps -- I don't know how far along it was, but we certainly didn't understand that it was a tool. And you used to think, How can I be sure?

How do I know? How can I be absolutely sure?

I think what has been done with DNA is, again, a classic

example of what can be done with science, with research, with appropriate utilization of resources to develop new tools.

And I think it is important for us now to use those tools to make sure that we get into the DNA database all the samples that are now accumulated, that have accumulated as part of a backlog; that we develop forensic capacities around the country that will permit state and local law enforcement to have access to the database and to have a means of getting the tests done and recorded immediately.

As I think I've mentioned to you, probably within 10 years each squad car will be equipped with a computer that can -- and police officers at the scene will be trained in DNA testing. And a test -- a sample can be taken at the scene and faxed in -- I mean sent in on the computer, and a match made, or a match not made.

It's going to be an exciting opportunity for law enforcement to make sure that they don't expend costly dollars on following the wrong person, and that they follow the person indicated or implicated by the DNA testing and ensure that the guilty person is brought to justice.

With these tools, we can do so much, and I think it is important that we draft legislation and develop resources that will make the tool as effective as possible.

Q So you do definitely support some form of post-conviction DNA testing, some form of relief from the way things stand now?

ATTY GEN. RENO: It's going to depend on the circumstances. If I can get everybody tested up front and make sure that things have been done correctly --

Q But I mean in terms of changing the laws and the rules that are on the books now with respect to post-conviction testing, when somebody's appeals have all run out, but the tool that you're praising apparently could settle the question once and for all of innocence, is that something

that you support -- legislation in some form?

ATTY GEN. RENO: I think what I would like to see is that we define it very carefully, because there are going to be some instances where DNA testing will not solve the problem. And we've just got to fashion it correctly.

Q Well, your DNA commission came up with a framework for testing those convicts where the DNA testing would absolutely show innocence or guilt.

ATTY GEN. RENO: And that's what we're trying to address.

Q I mean, are you going to follow that framework, the framework of your commission, in recommending to Congress?

ATTY GEN. RENO: That's what -- I am trying to work through it with everybody to see just how we frame it.

Q But what about an inmate on death row, where it could make a difference? Should they have access to it?

ATTY GEN. RENO: I think it is very important that all defendants charged with crimes that have significant sanctions, but clearly people charged with a capital crime and for which the government or the state seeks the death penalty, that they should have, first of all, good lawyers who can properly represent them.

And in too many instances in this country, people being charged with a capital crime do not.

I think it is very important, critically important, that, not only do they have access to DNA testing before they get to the point of being on death row, but that they have access to other forensic and investigatory resources that will permit them to properly explore their claim of innocence.

When you see the number of people -- and I have seen it in a case in which -- I have handled on a special assignment from the governor of Florida, where the man had been in

prison for 21 years. The death penalty had been set aside, but he had been there for 21 years and could have gone to the electric chair had it not been for a decision of the Supreme Court with reference to death penalty, generally.

I will never forget turning around and looking over my shoulder at that man, who walked out of the courthouse free for the first time in 21 years; and to think that he could have gone to the electric chair for a crime I did not think he had committed.

We just can't do that.

We cannot let that happen.

Q Ms. Reno, Elian's relatives have requested a meeting with Juan Miguel and Elian. And Juan Miguel's lawyer said, you know, he is considering it.

Are you privy to any of those discussions?

ATTY GEN. RENO: No, I haven't been, except what I read in the paper.

Q And your reaction to a possible meeting?

ATTY GEN. RENO: I always hope that families who are having disputes over matters can always work it out, and I hope the same for them.

Q Ms. Reno, back on the death penalty, with the Columbia University study that came out looking at the high rate of reversals, with the questions that are being raised about the application of the death penalty in Texas, do you have any doubts about the fairness of the system and whether or not there should be a national moratorium?

ATTY GEN. RENO: I'm -- I don't know whether a national moratorium is the issue. What I think is the issue is that people should not be prosecuted for a capital crime until they have a lawyer who can properly represent them and they have the investigative and other resources necessary to

properly investigate the charges against them.

Q Is that the way the system is now? Do you think it adequately provides that minimal defense?

ATTY GEN. RENO: No. I just finished telling you, the last question and the last answer, that there are too many people in this country who do not have competent counsel to represent them in capital cases.

Q Do you remember the name of the case that you were just talking about, where the man was in jail for 21 years?

ATTY GEN. RENO: James Joseph Richardson.

Q Do you feel that -- should there be a public defender system that's mandated federally or across the states? I mean, how does one get this adequate representation?

ATTY GEN. RENO: One of the points that we have tried to stress is that each state should develop a system that can ensure adequate representation. I think -- and anything we can do to support that effort, I think it is important.

But I think that the states bear a responsibility in terms of prosecution to ensure that if they're going to prosecute, they should make sure that the person being prosecuted has competent counsel, and if the person can't afford it, that it be provided in real terms, not just in name.

Q Ms. Reno, when you're wrestling with federal death penalty decisions, is the issue of competent counsel one that you have to consider?

And have you come across cases where you felt defendants had not had competent counsel?

ATTY GEN. RENO: We -- I have been impressed, from what I have seen in presentations to our capital committee, by the quality of the counsel being appointed by the federal judges.

There are issues, and we're constantly looking at those to see how we should address them.

Thank you.

Q Thank you.

Q Uh -- (laughter).

Yes, have a good day.

ATTY GEN. RENO: Thank you.

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