

Questions for Lanny Breuer from Senator Hatch

Adam Walsh Act

I have long been an advocate of protecting children from sexual exploitation and abuse. I was a sponsor of the Adam Walsh Act in 2006 which established the SMART office at the Department of Justice and gave states until July 27, 2009 to implement a standardized sex offender registry. Unfortunately, Attorney General Holder's budget for fiscal year 2010 allocated no money for the SMART Office or implementation of the Adam Walsh Act. Please explain how, especially without federal funds, you will seek state compliance with the Adam Walsh Act?

Protecting children from exploitation and abuse is critically important. If confirmed, under my leadership the Child Exploitation and Obscenity Section in the Criminal Division will pursue a vigorous enforcement program to address the sexual exploitation of children. Since I am not at the Department, I have not been part of any budget discussions, including the development of the 2010 budget request for the SMART Office. Because of that I cannot speak directly to your question about the budget request for that Office. However, I assure you that if I am confirmed, I will ask the Child Exploitation and Obscenity Section to brief me on the Department's child exploitation and enforcement program, including on ways in which the Department can assist states in complying with the Adam Walsh Act. If additional resources are needed, I will not hesitate to advocate for such resources.

Southern Border Crime

Violent crime has exploded on the Mexican side of our southern border. It has not yet spilled over to the U.S., but that development would require a response from the Department of Justice. Five major Mexican drug cartels have been responsible for more than 6800 homicides in the past year and are the major source for methamphetamine coming into the United States. An estimated \$38 billion flows back into Mexico from drug trafficking proceeds and drug lords use it to fund armies of mercenaries and to bribe public officials. The Bureau of Alcohol, Tobacco, Firearms, and Explosives estimates that 90% of the weapons used to arm these narco-terrorist organizations originate from the U.S. side of the border. What strategies will you issue to U.S. Attorneys whose districts are located in states that border Mexico?

I share your concern about the explosion of violence just south of our border. The crime problem along the border is acute and complex, involving gun trafficking, drug running, alien smuggling, and much more. If confirmed, I will work closely with the Deputy Attorney General, the Southwest Border U.S. Attorneys, the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, the Drug Enforcement Administration, and the law enforcement agencies of the Homeland Security Department to help ensure that there is an effective and coordinated strategy to attack and prevent crime along the Southwest Border.

Specifically, our law enforcement agencies must focus on investigating and prosecuting illegal firearms trafficking, including straw purchases, which are reportedly a significant source of firearms transfers to Mexican drug cartels. We also need to do a better job interdicting the southbound flow of firearms and prosecuting violations. If confirmed, I will work with the

Department of Homeland Security and its relevant components, including U.S. Immigration and Customs Enforcement, so that, in partnership with our U.S. Attorneys' Offices, we can vigorously prosecute cases of illegal firearms trafficking and exporting. In addition, I plan to work closely with our law enforcement partners in Mexico to promote the sharing of information and to ensure the successful extradition and prosecution of major drug cartel leaders and criminals who operate along our border. Finally, drug traffickers are constantly developing new techniques to smuggle illegal drugs into the United States; we must aggressively interdict and prosecute this criminal activity.

Perjury

In the political and corporate arenas, you have represented high profile clients who have been at the center of controversy. I hope you agree that one of the key roles of Congress is oversight. One way we achieve oversight is through hearings and sworn testimony. If confirmed, what will be your approach to prosecuting alleged false statements made to congressional committees and special prosecutors?

The integrity and effectiveness of Congressional oversight and the federal criminal justice system depend on witnesses being truthful. We will actively investigate allegations of false testimony to Congressional committees and special prosecutors and will follow the facts where they lead. Where the facts and law support a prosecution, we will bring appropriate charges.

Financial Crimes

A few weeks ago, the Judiciary Committee convened a hearing on the prosecution of financial crimes during this period of economic downturn. Rita Glavine, the Acting Assistant Attorney General for the Criminal Division, explained that there has been a spike in mortgage and loan fraud. It is apparent that more investigators and more prosecutors are needed to curtail this rising criminal trend. However, as I understand it, prosecutorial guidelines in most districts are informal. My concern is that these financial crimes have long taken a backseat to other cases. As a result, we are now paying the price because we didn't pay more attention to financial crimes. If confirmed, what policies will you implement so that financial crimes get the proper scrutiny and dedication they deserve from federal prosecutors?

Financial crimes – whether they involve mortgage fraud, securities or commodities fraud, health care fraud, or procurement fraud – can jeopardize our economy, threaten the integrity of our financial system, and cost taxpayers billions of dollars. If confirmed, I will make the investigation and prosecution of financial crimes a top priority. To develop the most effective strategies to address the various kinds of financial crime, I will work with the U.S. Attorney community, the FBI, Inspectors General across the government, federal financial regulators, and our state and local counterparts in a cooperative and collaborative approach. The strategies we will develop together will deploy law enforcement resources where they can be most effective. I will work to bring charges against those who have broken the law, collect restitution to make victims whole, propose changes to the law where we find gaps, seek the necessary resources to address all serious financial crimes, and ultimately send a clear message that those who do not play by the rules will be held accountable. Finally, because white collar criminals are not above the law, in appropriate cases we will pursue jail time for such offenders.

Obscenity Enforcement

I have long been critical of the low priority and misdirected strategies of the Justice Department, under both Democratic and Republican Presidents, in enforcing laws against obscenity. Targeting only the most extreme obscene material may guarantee convictions but has little impact on the broader obscenity industry or on the consumption of this harmful material.

- I believe that consuming sexually explicit material harms individuals, families, and communities. Do you agree?

Yes, I believe that sexually explicit material can be harmful to individuals, families, and communities.

- Will you personally review the enforcement strategy and report to the Committee the approach you will take regarding targeting extreme or more mainstream obscenity?

If confirmed, I intend to review the Criminal Division's current enforcement program and approach to obscenity. As with any legitimate oversight inquiry, consistent with the Department's law enforcement interests, I would be happy to provide information to the Senate Judiciary Committee.

- Do you plan to retain and invigorate the Obscenity Prosecution Task Force to focus on adult obscenity?

As part of my review of the Criminal Division's current enforcement program and approach to obscenity, I will also look closely at the Obscenity Prosecution Task Force to ensure that we are using all of the best tools at our disposal to vigorously enforce the laws and protect our children and the American people.

- The full U.S. Court of Appeals for the Sixth Circuit recently upheld (*Connection Distributing Co. v. Holder*, 2/20/09) the requirement in 18 U.S.C. §2257 that producers of sexually explicitly material maintain records regarding the age and identity of performers. The Adam Walsh Act extended those requirements from depictions of actual to depictions of simulated sexually explicit conduct. Will you supply the Committee with data on enforcement of this statute?

I am not specifically familiar with *Connection Distributing Co. v. Holder*, but I will review the decision and make available to the Committee data that it requests regarding the enforcement of 18 U.S.C. § 2257.