

Testimony of

The Honorable Patrick Leahy

December 11, 2001

I commend Senator Schumer for holding this hearing on the need for and benefits of sharing information with local law enforcement. Local law enforcement are the first responders at the scene of crises and have to determine almost instantaneously whether the cause was an accident, a crime or, worse, an organized terrorist attack. To make these determinations and to know how best to respond, they should and must have access to the information necessary to evaluate these situations accurately and expeditiously.

I have co-sponsored with Senator Schumer, Senator Clinton, and Senator Hatch S. 1615, the "Federal-Local Information Sharing Partnership Act of 2001," which would provide guidelines for such sharing to take place. I originally supported this legislation during the final deliberations between the Senate and House on the USA PATRIOT Act. While the Senate leadership favored adding these provisions to the bill, the House leadership wanted to defer consideration on procedural grounds without prejudice to the merits.

S. 1615 authorizes the sharing of certain foreign intelligence information with local law enforcement personnel. The bill resolves the question of whether legal barriers prevent the FBI and other federal law enforcement authorities from disclosing information to state and local law enforcement agencies when necessary and appropriate to ensure an effective response to terrorist threats. The Committee will review the details of the bill carefully so that it achieves this goal without risking unintended consequences.

On the larger issues of cooperation I am pleased that FBI Director Robert Mueller announced last week the creation of a new position of Assistant Director for Law Enforcement Coordination to be filled by an experienced representative of local law enforcement. This new position will report directly to Director Mueller. To his credit, the Director Mueller is aware of the problem of the FBI not effectively working with other law enforcement officers. He told one law enforcement group in late October that offers of help from police have in some cases been wrongly turned down, and called that "unacceptable." He has promised that the FBI will change the way it works with local police.

I have spoken to Mayor O'Malley about this issue and thank him for the personal attention and commitment he has given to ensuring that local law enforcement has the information and tools needed to perform effectively in protecting our public safety.

There is, however, a separate issue of coordination between federal, state, and local law enforcement under the Justice Department's new joint terrorism task forces that are led by the United States Attorneys' offices rather than FBI field offices.

For example, former FBI Associate Deputy Director Oliver B. (Buck) Revell has raised important questions in a letter, dated December 5, 2001, to the Washington Post that Senator Hatch quoted in part at this Committee's December 7th hearing with the Attorney General. Mr. Revell expresses concern about the Attorney General's action of placing the U.S. Attorneys in charge of the joint terrorism task forces as "both unproductive and undermines the effectiveness of the FBI's relationship with state and local authorities." Mr. Revell states that several police chiefs have advised him "that they are not comfortable in such a relationship led by U.S. Attorneys." He is concerned that the U.S. Attorneys will not "have the investigative resources and analytical capabilities to execute this program." Mr. Revell concludes, "Now is not the time to undermine the capabilities of the nation's primary agency responsible for the prevention and investigation of terrorist activity."

The Committee will look into these and other issues raised by the new joint terrorism task force structure. Today marks three months after the terrible terrorist attacks on the World Trade Center, the Pentagon and our airlines. I know I share the gratitude of the Nation for the valiant work of Commissioner Kerik and the New York City Police and the other police officers around the country, including the Capitol Police, who have been working longer hours under enormously stressful conditions to keep us safe. I welcome all the witnesses here today.

Senator Schumer and Senator Clinton worked tirelessly during consideration of the USA PATRIOT Act to back up the FBI Director's words and good intentions with legislation, and expressly authorize information sharing by the FBI with State and local law enforcement officers, when they have a need to know the information to perform their public safety mission in response to terrorist threats. I support this goal.