

Statement of
The Honorable Sheila Jackson Lee

United States Representative
United States House of Representatives
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STATEMENT OF
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ATTORNEY GENERAL
BEFORE THE
COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE
OVERSIGHT OF THE DEPARTMENT OF JUSTICE:
TERRORISM AND OTHER TOPICS
JUNE 8, 2004

Good morning, Mr. Chairman and Members of the Committee.

It is useful, from time-to-time, for those of us in government to remind ourselves why we are here, and what we are pursuing. Today, more than most times in the life of our nation, the answer should be clear: The first priority of government is to protect the lives and liberties of the people. The United States Department of Justice is pressing this cause forward with tireless energy and with marked success.

Fighting Terrorism

For 32 months, the Justice Department has been using every tool and every tactic in the arsenal of the justice community to stop terrorism. From aggressive enforcement of the criminal code to the deployment of the new and critical tools of the USA Patriot Act. We have used and we will use every lawful means to deter, disrupt and destroy terrorist threats.

This powerful strategy of prevention has borne impressive results. For more than two years, we have not seen a major terrorist attack on U.S. soil.

For example:

- Our ongoing war on terrorism has resulted in criminal charges against 310 individuals, with 179 convictions to date.
- We have broken up terrorist cells from Virginia to Washington State, from Florida to New York, from Oregon to North Carolina.
- We have launched 70 investigations into terrorist financing.
- And in cooperation with the Treasury Department, these

investigations have resulted in the freezing of over \$139 million in assets.

Considered in full, our response to the events of September 11, 2001, represents the largest criminal investigation in history. This effort has led to the capture of the following men:

Zacarias Moussaoui: Moussaoui is charged with six counts of conspiracy connected with the September 11 attacks.

John Walker Lindh: Mr. Lindh pled guilty to aiding the Taliban. He was sentenced to 20 years imprisonment.

Richard Reid: The so-called Ashoe bomber[®] was charged as a trained Al Qaeda terrorist who attempted to destroy American Airlines Flight 63. He pled guilty to all charges and was sentenced to life imprisonment on January 30, 2003.

In Seattle, Earnest James Ujaama pleaded guilty to providing material support to the Taliban.

In North Carolina, members of a cell who provided material support to Hizballah were convicted, with the lead defendant being sentenced to 155 years in prison.

In New York, Mustafa Kamel Mustafa, a.k.a. AAbu Hamza,[®] was charged with, among other things, hostage taking in Yemen and material support to terrorism for unsuccessfully attempting to establish a violent jihad training camp in Bly, Oregon and for conspiracy to provide material support to the Taliban.

In Houston and San Diego, the Department brought material support for terrorism charges against individuals who allegedly engaged in plots to trade drugs for weapons.

In addition, we have charged hundreds of airport workers with falsifying documents and violating immigration laws at airports nationwide. At Dulles and Reagan National Airports in Virginia, 94 workers were arrested for allegedly falsifying Social Security applications and violating immigration laws. In Charlotte, North Carolina, 67 undocumented aliens were indicted for document fraud.

FBI investigation uncovered facts to indicate that the Benevolence International Foundation (BIF) was actually a conduit for funding Islamic Fighters engaged in battle in Chechnya, Bosnia, Sudan, and other places. BIF also employed several high-ranking Al Qaeda operatives and facilitated the international travel of these individuals under the guise of charity work. The BIF leader was arrested by the FBI in April 2002 and pled guilty to operating BIF as a Racketeering Enterprise. The BIF organization is now a designated terrorist entity and has been dismantled.

Our intelligence and law enforcement communities, and our partners, both here and abroad, have identified and disrupted over 150 terrorist threats and cells. Nearly two-thirds of al Qaeda's known senior leadership has been captured or killed, and more than 3,000 operatives have been incapacitated.

We will continue to fight terrorism using all the tools at our disposal. As the Committee is aware, however, key provisions of one such critical tool -- the Patriot Act -- are currently scheduled to "sunset" at the end of 2005. In our view, it is imperative that this "sunset" not be allowed to take place. Instead, these provisions need to be renewed.

The Justice Department and the American people have benefitted tremendously in preventing terrorism, thanks to the Patriot Act. This important bipartisan legislation removed the bureaucratic wall between law enforcement and intelligence. This has translated into results.

For example, in Tampa, Florida, Sami Al Arian and seven other individuals were indicted for their alleged support of the terrorist group Palestinian Islamic Jihad (PIJ), in a case that resulted in large part from the ability of prosecutors to consider and use all of the information collected about the defendants' alleged criminal activities.

The Department is gathering and cultivating detailed intelligence on terrorism in the U.S.:

- thousands of terrorist suspects have been identified and tracked throughout the U.S.;
- human sources of intelligence have doubled;
- counterterrorism investigations have doubled in one year;
- 18,000 subpoenas and search warrants have been issued;
- over 1,700 applications in 2003 were made to the FISA court targeting terrorists, spies and foreign powers who threaten our security.

The Department also provides the Intelligence Community with valuable information obtained from confidential sources and cooperating defendants developed during criminal investigations and prosecutions.

Earnest James Ujaama is cooperating in terrorism investigations after pleading guilty in April 2003 in Seattle to providing material support to the Taliban.

John Walker Lindh cooperated after pleading guilty to supporting the Taliban in exchange for 20-year prison sentence. Lindh provided information about training camps and fighting in Afghanistan in 2001.

All six Buffalo ACell@ defendants are cooperating after pleading guilty. They have provided information about a pre-9/11 trip to the al-Qaeda-affiliated al-Farooq training camp in Afghanistan.

Iyman Faris cooperated after pleading guilty to providing material support to al Qaeda and provided information about post-9/11 plans by al Qaeda for attacks within the U.S.

In the Northern Virginia jihad case, six defendants pleaded guilty and agreed to cooperate.

In the Portland ACell@ case, four defendants agreed to cooperate after pleading guilty. The cooperation agreements from these four defendants were essential to obtaining guilty pleas from the final two defendants in custody, and are proving vital to the on-going investigation into those who provided support to the Portland Cell.

The Justice Department is also working closely with our international partners to disrupt and prevent terrorist acts. The assistance of our allies has been critical in the War on Terror, as we use the full range of investigative and intelligence tools to protect our citizens at home and abroad.

Many of these efforts cannot be made public. But one example that has come to light is our prosecution of Hemant Lakhani in Newark. Lakhani is alleged to have attempted to smuggle shoulder-fired missiles into the United States to sell to a person he believed to be the representative of a terrorist group. That prosecution resulted from an unprecedented degree of cooperation with our Russian partners in the war against terror.

Fighting Violent Crime

We have achieved these anti-terrorism victories at the same time we have proven our dedication to the fight against domestic crime. Here, too, the results speak for themselves.

Thanks to Project Safe Neighborhoods, we are fulfilling the President's vision to prosecute and jail criminals who illegally use guns to commit crime. We have increased federal prosecutions by 68 percent over the last three years. In the 2003 fiscal year alone, we charged over 13,000 offenders with federal firearms offenses—the highest figure ever recorded for a single year and 23 percent higher than the previous year.

It should not be surprising, then, that the violent crime rate is at its lowest level in 30 years. A comparison of the two-year period of 1999-2000 to the two-year period of 2001-2002 reveals that the violent crime rate plunged 21 percent.

The continuing success in our nation's fight against crime means that when comparing those same two-year periods,

- 27 percent fewer people were robbed;
- 23 percent fewer men and women were victims of aggravated assault; and
- 27 percent fewer women—sisters, mothers, and daughters—were raped.

Behind these statistics are many Americans whose lives have been spared the pain of victimization: Compared to the year 2000, almost one million fewer Americans experienced the anguish of violent crime in 2002.

Thanks to aggressive enforcement of gun laws already on the books, there were 130,000 fewer victims of gun crime in the period of 2001-2002 than in 1999-2000.

Stopping Illegal Drugs

By setting new priorities on the most violent and dangerous offenders, the Justice Department is focusing government resources on the most critical and pressing problems and this translates to real results.

For the first time ever, the Justice Department has compiled a list of the government's top priority targets in the struggle to protect Americans from the scourge of illegal drugs. To help restrict the supply of drugs and to focus our attack, we have, with greater clarity and determination than in the past, directed our law enforcement efforts at the largest, most organized international drug cartels. We designate these drug organizations Consolidated Priority Organization Targets (CPOTs). The CPOT list is increasingly used to guide the efforts of federal, state, and local participants in the High Intensity Drug Trafficking Area program, the mission of which is to enhance and coordinate federal, state, and local drug law enforcement efforts in regions of the U.S. designated as having significant levels of drug trafficking, in order to reduce and eliminate drug trafficking and its consequences.

Our goal and our measure of success is to take out these priority targets, incarcerate their chief operatives, end their market influence, and create power vacuums with transaction costs for the entire illegal drug trade.

More than merely law enforcement actions, however, these efforts have helped to stop use before it starts:

- We have seen an 11 percent drop in drug use among eighth-, tenth-, and twelfth-graders. That is the first drop in all three grades in a decade.
- By taking out some of the major traffickers in Ecstasy and disrupting trafficking routes, law enforcement has contributed to a 50 percent drop in Ecstasy use among eighth-, tenth-, and twelfth-graders.
- By targeting the top LSD producers, we have seen a nearly two-thirds drop in LSD use. That is the lowest level in nearly three decades.
- And thanks to the Office of Justice Programs, our Drug Courts Program is helping non-violent offenders with substance-abuse problems.

Fighting for the Most Vulnerable

The Department of Justice is also protecting the nation's most vulnerable citizens from those who would prey on them for profit and personal gain. By working closely with state and local law enforcement we are stopping dehumanizing crimes such as child pornography and human trafficking-crimes that primarily victimize immigrants, young children, and the elderly.

In the fiscal years of 2001 to 2003, we opened 210 new humantrafficking investigations. That is double the number of the previous three years. In fiscal year 2003, the Department indicted or charged 1,261 individuals for child exploitation offenses, including child pornography, enticement of children for sexual acts, and sexual child abuse, and obtained 983 convictions for such offenses.

But we are not just prosecuting crimes after the fact. We are protecting children by increasing the speed and preventive capabilities of law enforcement. We instituted the national AMBER alert program to help recover abducted children. Thanks to AMBER alerts more than 130 children have been recovered.

At the Department of Justice we understand that effective prevention requires more than the imprisonment of individual child predators. We are finding and destroying the perverse underworld that provides a market for and a prelude to crimes against children.

We recently saw the first results of this strategy in our ongoing investigation and prosecution of peer-to-peer computer file sharing of child pornography. Thanks to coordinated efforts of the Justice Department, the FBI, U.S. Immigration and Customs Enforcement, and 39 local Internet Crimes Against Children Task Forces, we have executed hundreds of searches nationwide.

At last count, we had identified 3,371 suspect computers distributing child pornography through the use of peer-to-peer software over the Internet.

Child predators often open websites with a slight misspelling or variation in the spelling of innocent, child-friendly websites in order to expose children to indecent material. We have responded to this repugnant tactic by initiating a false domain-name program. This program locates and shuts down websites that expose children to sexual exploitation and pornographic images by using misleading web names.

Fighting for Equal Rights for All

In addition to protecting the lives of Americans—including the most vulnerable among us—the Department is equally focused on protecting the liberties of Americans. We are committed to a justice system that guarantees fairness and equality under the law:

- Over the first three years of this administration, we charged more individuals for criminal civil rights violations than in the previous three-year period.
- Likewise, over the past three years, we have tripled the number of defendants charged with human trafficking.
- We have quadrupled the number of investigations into civilrights violations at juvenile-justice

facilities.

-In the area of employment discrimination, the Civil Rights Division is on pace to have a record year of prosecutions unmatched since the mid-1990=s.

-We have resolved four times as many police pattern or practice investigations.

-And we announced the first federal law enforcement policy prohibiting racial profiling.

In addition, we are protecting religious institutions from unlawful discrimination through the strong enforcement of the Religious Land Use and Institutionalized Persons Act. Thus far, we have opened 18 such investigations.

Fighting Corporate Fraud

The Justice Department, working in tandem with every member of the President=s Corporate Fraud Task Force, continues to swiftly and aggressively punish corporate wrongdoers. It has fulfilled the President's admonition that the Task Force send a "clear warning and a clear message to every dishonest corporate leader: You will be exposed, and you will be punished. No board room in America is above or beyond the law."

That is why the Justice Department is committed to insuring the accuracy of the information so important to the integrity of the market and the confidence of the investor. To that end:

-Since the inception of the Task Force, more than 700 defendants have been charged with corporate fraud in more than 300 criminal cases.

-More than 300 defendants have been convicted or have pled guilty, including top executives from Enron, WorldCom, HealthSouth, and Rite Aid.

Our successes are all a direct result of the unparalleled cooperation between all members of the Task Force, including the Securities and Exchange Commission, and a deliberate strategy of charging offenses promptly, rather than pursuing difficult and extended investigations that delay notice to the public and punishment of wrongdoers.

Enforcing Environmental Law

The Justice Department has also set new records for environmental enforcement in the 2003 fiscal year. Court awards and consent decrees resulted in more than \$202 million in penalties for civil violations of the nation's environmental laws.

In addition, enforcing the Clean Air Act reduced air pollution in 2003 by more than 465,000 tons per year. And last year, the Justice Department obtained the largest civil penalty in history against a single company, Colonial Pipeline, for violations of an environmental statute.

Fighting Health-Care Fraud

Enforcement of civil and health-care fraud laws have shown a marked increase in recoveries for victims, consumers, and for the benefit of the free markets.

-In a comparison of two three-year periodsC1998-2000 to 2001-2003Ccivil fraud recoveries nearly doubled from \$2.7 billion to \$5.0 billion.

-And in the same time period, civil health-care fraud recoveries nearly tripled from \$1.5 billion to \$4.1 billion.

In addition to swift and decisive action against criminals from civil rights violators and corporate polluters to child predators and violent offenders, the Department of Justice has strengthened outreach efforts to communities and support for victims of crime.

Fighting for Victims

In order to hold criminal offenders more accountable, the Justice Department is giving crime victims a greater voice in the criminal justice process. For example:

-We are amending guidelines and proposing changes to federal law to improve victim services.

-We are also mobilizing support for the constitutional amendment to protect victims= rights.

Fighting for Accountability

To achieve the President=s goal of greater efficiency and accountability in government, and to meet its critical role in the war on terrorism, the Justice Department implemented a new five-year strategic plan in 2001. Our overarching focus is targeting Departmentresources to achieve results for the American people.

Three years into our strategic plan, we are delivering measurable results for the American people. Justice Department efforts fall into three key areas:

-Fostering integrity and accountability;

-Utilizing technology; and,

-Achieving safety and security.

First, we are fostering integrity and accountability.

In the 2001 fiscal year, for the first time in the history of the Justice Department, the Office of the Inspector General reported a clean audit for all Department financial reports. This has been followed by clean ratings in each of the last two fiscal years.

Second, the Justice Department is harnessing technology to improve information management and use.

Effective information technology is critical for both the fight against terrorism and the efficient delivery of services to the public. That is why we have revitalized our Information Technology organization. With the appointment of a new Chief Information Officer, or CIO, the new tech team is leveraging the leadership of experienced executives and managers to implement an Information Technology strategy that is on the cutting edge. For example, we have:

- Published the first Department Information Technology Strategic Plan in 2002. This means we turned fragmented, stand-alone plans into a single, cohesive Department-wide strategy for effective technology deployment in the future.
- Begun designing a single enterprise architecture. This means we will have a technology plan that promotes communication interoperability, and information sharing, with core business functions.

Our upgraded IT organization is showing results. To cite two examples:

- We have initiated the first ever Law Enforcement Information Sharing (LEIS) strategy to coordinate information sharing across the law enforcement community, from the small-town sheriff to the director of the FBI.
- We have improved public access to our grant programs. In 2003 more than 97% of Office of Justice Programs grants were processed via the Internet. This vastly improved electronic grants process has resulted in significantly reduced grantee paperwork and faster disbursement of grant funds to needed programs.

Third, our management initiatives are helping us focus our resources to increase the safety and security for the American people.

Mr. Chairman, the terrorist attacks of September 11 made it clear that if America was to defend its freedom successfully, a new culture of prevention was needed.

This required the Justice Department to initiate a fundamental shift in the design of the Department's infrastructure, so that it could better enforce the laws of our land to more effectively neutralize the terrorist threat. We are succeeding.

In the past 30 months we have centralized and streamlined management of the FBI's counter-terrorism, counter-intelligence, and cyber programs to expand resources, while strengthening prevention efforts, information sharing, and accountability.

Today, more than one thousand new agents, 400 new analysts and 1,200 linguists with skills in critical languages are focused on terrorism prevention.

The Department=s FY 05 budget includes \$2.6 billion for counterterrorism operations, a 19 percent increase over FY 04 levels. As a percentage of the Department=s budget, counterterrorism resources have increased from 3.6 percent to over 13 percent B a near four-fold increase. The Department=s total funding for counterterrorism and counterintelligence has risen from approximately \$1 billion in FY 01 to \$3.5 billion in our FY 05 request.

We will continue to re-organize and streamline to achieve our No. 1 priority: protecting the lives and liberties of the people. And we will pursue this noble goal in a way that carefully stewards our nation's tax dollars and the people=s trust.

Our strategic plan and its ongoing implementation allow us to move forward swiftly and with studied purpose in our defense of freedom and in the protection of the lives and liberties of the American public.

Mr. Chairman, that completes my prepared remarks. I would be pleased to respond to the Committee=s questions at this time.