

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
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Ranking Member, Committee On The Judiciary

Hearing On FBI Oversight

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Mr. Chairman, thank you for convening today's FBI oversight hearing. This is another opportunity to continue our efforts to remake the FBI into a modern domestic intelligence and law enforcement agency.

Once again we commend the Bureau's skilled workforce - the agents, the technicians and all the other men and women on the front lines and behind the scenes who have been working long days, year after year, to help keep our citizens and communities safe.

The Importance Of Oversight

As the people's elective representatives, we in Congress have a solemn duty to conduct meaningful oversight of the Executive Branch. Constructive congressional oversight of the FBI's work is an invaluable tool to help make the FBI as good as the American people need it to be in countering terrorism and in strengthening law enforcement.

I take the responsibility to conduct oversight seriously. For this reason, oversight of the FBI and the Department of Justice will again be one of my highest priorities as Chairman of the Senate Judiciary Committee during the next Congress, as it was when I last had the privilege of chairing this Committee.

The recent revelation that the Bush Administration, since 9/11, has been compiling secret dossiers on millions of unwitting, law-abiding Americans who travel across our borders, highlights the importance of diligent congressional oversight. It is simply incredible that the Administration is willing to share this sensitive information with foreign governments and even private employers, while refusing to allow U.S. citizens to see or challenge the so-called terror score that the government has assigned them based on their travel habits and schedules.

When done poorly or without proper safeguards and oversight, data banks do not make us safer, they just further erode Americans' privacy and civil liberties. This Administration has gone to unprecedented lengths to hide its own activities from the public, while at the same time collecting and compiling unprecedented amounts of information about every citizen.

New technologies make data banks more powerful and more useful than they have ever been before. They have a place in our security regimen. But powerful tools like this are easy to abuse and are prone to mistakes. A mistake can cost Americans their jobs and wreak havoc in their lives. Mistakes on government watch lists have become legendary in recent years. We need checks and balances to keep government data bases from being misused against the American people.

Data banks like this are overdue for meaningful oversight, and that is going to change in the new Congress.

Detainee Treatment

One of the greatest challenges facing the FBI today is striking the successful balance between fulfilling its core counterterrorism mission, while respecting and preserving the democratic principals and freedoms that make America such a great and resilient Nation. For more than two years, I have repeatedly sought answers from the FBI, and from others, regarding reported and, in some instances, documented cases of the abuse of detainees in U.S. custody. Just recently, I wrote to the Attorney General about press reports that after years of denials the Central Intelligence Agency has acknowledged the existence of additional classified documents detailing the Bush Administration's interrogation and detention policy for terrorism suspects.

When Director Mueller appeared before this Committee in May 2004, I asked him if FBI agents had witnessed objectionable interrogation practices in Iraq, Afghanistan or Guantanamo Bay, and he gave a purposefully narrow answer, saying that no FBI agents had witnessed abuses "in Iraq." Documents released by the FBI in December 2004 made clear that FBI agents witnessed abusive treatment of prisoners at least at Guantanamo Bay, and Director Mueller's own answers to subsequent questions have shed some more light on the subject than his original answer. The Congress and the American people deserve to know the truth about the Bush Administration's interrogation policies and practices. I hope that Director Mueller will continue moving away from the Bush Administration's policy of secrecy and concealment on this issue and toward the responsiveness that the American people deserve.

Counterterrorism

It also troubles me deeply that, five years after 9/11, the FBI is still not as strong and as equipped as it must be to fulfill its counterterrorism mission. After the 9/11 terrorists attacks, I authored the USA Patriot Act provision aimed at facilitating the hiring of more translators at the FBI. To its credit, the Bureau has made some progress in this area. The number of FBI translators proficient in Arabic has increased almost 300 percent since 9/11, and the FBI has significantly increased its

overall number of linguists. But the FBI still lags far behind when it comes to the number of agents who are proficient in Arabic. Recently, The Washington Post reported that only 33 FBI agents have at least a limited proficiency in Arabic and that only 1 percent of FBI agents have any familiarity with the language at all. If the FBI is to be a world-class intelligence agency, this is a serious problem that it must promptly and adequately address.

Information-Sharing And Sentinel

I also remain greatly concerned about the FBI's new paperless case management system, Sentinel. We have been told that Sentinel will cost the American taxpayers \$425 million to complete and that this system will not be fully operational until 2009. On Monday, the Department of Justice Office of Inspector General issued a report finding that the FBI will need an addition \$56.7 million to just to pay for Phase II of Sentinel and that there are serious concerns about the adverse impact that these additional costs could have on the FBI's non-IT programs. There have also been rumors about growing concern within the FBI that the Bureau will cut other mission-critical programs to pay for this program for several months. In addition, in October, the GAO issued a report that found that the FBI has no plan in place to address future staffing and human capital needs for Sentinel. After watching the FBI waste five years and millions of taxpayer dollars on the Trilogy program, I remain seriously concerned about this project. The American people cannot afford another fiasco.

Conclusion

Since 9/11, the FBI has made significant strides to adjust to the threats and challenges of our time. I commend these accomplishments, and especially the hardworking men and women of the FBI.

But there is much more to do. The Bureau must also acknowledge and learn from its mistakes to become a world-class intelligence and law enforcement agency intelligence. Director Mueller, I look forward to hearing your views on how best to move the Bureau forward.

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