

Testimony of

# **The Honorable Alberto Gonzales**

Attorney General of the United States  
U.S. Department of Justice  
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Statement of Alberto R. Gonzales  
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Thank you, Chairman Leahy and Ranking Member Specter, and members of the committee. I appreciate the opportunity to be here today.

As you know, the Department of Justice's responsibilities are broad, ranging from preventing terrorist attacks upon the United States to prosecuting violations of civil rights to interdicting international drug trafficking. In my testimony today, I have time to touch on only a few of the Department's many important functions.

I'd like to discuss today several of my top priorities: our efforts to combat terrorism, including the usefulness of some of the tools Congress has recently given us to do so and additional tools we still need; the need for comprehensive reform of our immigration system; our commitment to working with state and local law enforcement to keep Americans safe from violent crime and from the scourge of illegal drugs; our extensive work to bring to justice those who prey on and exploit innocent children through the Internet; our efforts to prevent and prosecute identity theft, other types of fraud, and intellectual property crimes; and our work to protect voting rights.

This is just some of the work of the Justice Department, and I am humbled to be its steward during this critical time in our nation's history.

## **Preventing Terrorist Attacks**

For those of us in government whose job it is to protect our country from terrorism, every day is September 12th.

Since the horrific attacks of September 11, 2001, the Department of Justice has undertaken a significant re-orientation to a preventive and proactive approach to combating terrorism. While bringing terrorists to justice remains a top priority, preventing attacks from happening in the first place is the first priority.

## **National Security Division (NSD)**

In previous testimony, my predecessor and I have discussed the FBI's reorganization. Creation of a new National Security Division in the Department of Justice was the next step shifting toward an approach focused on the prevention, disruption, and dismantling of terrorism.

Previously, as the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction noted, several different divisions and offices in Main Justice handled various parts of our national security operations, without centralized, coordinated management other than the Deputy Attorney General or me. The Administration proposed creation of the National Security Division to bring all of these functions together in one component, and you authorized it in the USA PATRIOT Improvement and Reauthorization Act, signed by the President last March.

Ken Wainstein was confirmed as the Assistant Attorney General for the Division last year, and it is now fully operational. The Division brings together the Office of Intelligence Policy and Review, which is responsible for processing Foreign Intelligence Surveillance Act ("FISA") applications and presenting them to the Foreign Intelligence Surveillance Court, and the Counterterrorism and Counterespionage Sections, which previously resided within the Criminal Division. This reorganization allows lawyers with a criminal prosecutorial focus and lawyers with an intelligence focus to coordinate and share information on a daily basis, ensuring the best coordination, planning, and strategic thinking about how to deal with every emerging terrorist threat.

The Division also has continued to build upon the Department's success in reducing the number of pending FISA applications. The use of FISA is a critical tool in the government's efforts to collect foreign intelligence to prevent acts of terrorism and espionage against America, and I am pleased to report that the Department has dramatically increased its production and efficiency in processing applications to the FISA Court in recent years. From the end of 2004 to September 2006, for instance, the Department reduced the number of days it takes to process FISA applications by the FBI by on average 35 percent. In that same time span, the Department reduced the number of FBI FISA applications pending by roughly 65 percent.

These improvements have occurred even as the volume of FISA applications has grown. Applications to the FISA Court have surged in recent years, from a mere 973 in 2001, to roughly 1,754 in 2004, to roughly 2,072 in 2005. The Department expects this demand for FISA collection authority to continue to increase in the coming years.

#### USA PATRIOT Act Reauthorization and Successful Implementation

The members of this Committee are very familiar with the provisions of the USA PATRIOT Act and the legislation that reauthorized it last year. The provisions of this Act have been for the last several years, and continue to be, extremely valuable to the Department in preventing and prosecuting terrorism and other crimes.

I appreciate the productive working relationship we enjoyed with the Congress last year in reauthorizing this legislation. Removing the sunset dates on most of the sections subject to them - including critical provisions such as the one that was instrumental in taking down the "wall" that prevented law enforcement and intelligence officials from effectively sharing vital information and coordinating - eliminated a level of uncertainty that had hung over our counterterrorism strategies and procedures. The reauthorization also made a number of important improvements to the existing provisions of the law and created at least thirty new safeguards for civil liberties. Since the reauthorization's enactment, the Department has been able to incorporate

the changes to the law, including those bolstering civil liberties protections, into our operations. The President charged all of us in the Administration with ensuring that none of the amendments to the Act harmed our ability to prevent, investigate, and prosecute terrorism, and we believe the reauthorization bill complied with that directive.

Indeed, it improved the utility of certain authorities. For example, section 128 of the reauthorizing legislation included new authority that supplemented existing FISA pen register/trap and trace provisions. Pursuant to Congress's revisions, we can now obtain subscriber information in connection with a court-approved FISA pen register or trap and trace order. This commonsense revision obviates the need to use other authorities in addition to the pen register/trap and trace order to obtain this information. As before the reauthorization, a court must approve the application and issue the order, but the modification saves time and resources and gets critically useful information into the hands of our counterterrorism and counterintelligence investigators more efficiently and without compromising any American's civil liberties.

We look forward to a similarly productive working relationship with this Committee during the current Congress in ensuring that the Department has the tools it needs to keep our nation safe from the threat of terrorism.

#### Military Commissions Act

I also appreciate the work of this committee on the Military Commissions Act. The MCA provides for the full and fair trial of captured terrorists; reinforces and clarifies United States obligations under the Geneva Conventions; and buttresses our ability to gather vital intelligence and disrupt future terrorist attacks.

I am aware that two bills were introduced in the last Congress, and are likely to be reintroduced, that would amend the federal habeas statute by deleting the MCA restrictions in their entirety. I believe that such proposals to amend the MCA are ill-advised and frankly defy common sense.

The MCA's restrictions on habeas corpus petitions did not represent any break from the past. Indeed, it has been well-established since World War 2 that enemy combatants captured abroad have no constitutional right to habeas petitions in the United States courts. As the Supreme Court recognized in *Johnson v. Eisentrager*, 339 U.S. 763 (1950), the extension of habeas corpus to alien combatants captured abroad "would hamper the war effort and bring aid and comfort to the enemy," *id.* at 779, and the Constitution requires no such thing, see *id.* at 780-81. The Constitution did not give the right of habeas corpus to the several hundred thousand German and Japanese soldiers detained by the United States during World War 2, and it does not provide that right to the alien enemy combatants detained in the present conflict.

Congress endorsed this principle in the Detainee Treatment Act of 2005, which removed federal courts jurisdiction over habeas corpus petitions filed by the detainees at Guantanamo Bay. After the Supreme Court held in *Hamdan v. Rumsfeld* that these restrictions did not apply to the several hundred petitions pending at the time of its enactment, Congress passed the broader restrictions under the MCA, which apply to the petitions of all enemy combatants in United States custody, including pending petitions. The MCA's restrictions prevent terrorists captured on the battlefield from continuing to fight us in our courts. They are necessary to limit the burden

that litigating the hundreds, and potentially thousands, of enemy combatant petitions would impose on the United States in this conflict and future conflicts.

The existing restrictions should be preserved. Given the military necessities of the war on terror, it is common sense to do so, and to preserve, more broadly, that which the MCA achieved so well - a priority system that puts the security of our country and citizens first and still respects human rights while ensuring that terrorists are not given more rights than our men and women in uniform.

### Terrorist Surveillance Program

When necessary, the government has developed tools to increase our flexibility in fighting the war on terror. The Terrorist Surveillance Program (TSP) helped us to adapt to a new enemy that attempts to blend into our society while it plans its attacks. The TSP operates with the speed and agility needed to counter this new enemy, providing us with a critical early warning system that alerts us to the presence of al Qaeda agents in the United States. The TSP is limited to targeting only international communications in which we have reasonable grounds to believe that one party is a member or agent of al Qaeda or an affiliated terrorist organization.

Alan Raul, Vice Chairman of the Privacy and Civil Liberties Oversight Board said that the Board "found there was a great appreciation inside government, both at the political and career levels, for protections on privacy and civil liberties." In fact, he noted that "the public may have an underappreciation for the degree of seriousness the government is giving these protections." The TSP is reviewed approximately every 45 days to ensure that it is still necessary and consistent with the Fourth Amendment.

It is helpful to think of the TSP as a modern-day version of the "signals" intelligence that our country has gathered and relied upon in every conflict in our history, and that every nation has relied upon.

In every conflict we have been in, the United States government has needed to know what the enemy is doing, and signals intelligence provides one of the most important ways to do that.

During the Civil War, telegrams were intercepted. During both World Wars, we intercepted telegrams in and out of the United States.

The Terrorist Surveillance Program has proven to be one of our most effective tools in the war against terrorism. U.S. intelligence officials have confirmed that the program has helped detect and prevent terrorist attacks and has saved American lives.

I hope that Congress will act to provide additional authority for this narrow, essential program as soon as possible. Congress should also act to modernize FISA - another valuable intelligence tool. Revolutions in telecommunications technology since FISA was enacted in 1978 have brought within FISA's scope communications that Congress did not intend to be covered - and as a result, extensive resources are now expended obtaining Court approval for acquiring communications that do not substantially implicate the privacy rights of Americans. We urge

Congress to modernize FISA so that we can more effectively confront the new threats and technologies of the 21st Century.

#### The Importance of Cooperation with international, state, and local partners in preventing terrorism

Last summer, we were given a vivid illustration of the importance of a prevention strategy when we learned of the disruption in England of what would have been a major terrorist attack with massive casualties. Thanks to the vigilance of the British authorities, a terrorist plot to kill innocent men, women, and children was disrupted.

It was an international success for intelligence and law enforcement, with over 200 FBI agents working with their British counterparts to investigate every possible lead here in America.

The disruption of the UK bomb plot highlights the success of international cooperation. Our prosecutors train one another and share information and intelligence. The level of cooperation between the United States and our foreign counterparts is outstanding. At home, we have dramatically improved collaboration among federal agencies. Indeed, we have applied a new mentality of constant information sharing.

We are strongly supporting the standup of intelligence fusion centers where the federal government can work with our state, local, and tribal partners to better protect the nation. The FBI is a relatively small organization when compared to the tremendous number of state and local law enforcement officers across the country. Our combined abilities are much greater, so we will leverage these combined resources.

#### Homegrown Threat and Response of DOJ/Law Enforcement

The threat from homegrown terrorists and cells - often radicalized online, in prisons, and among other socially isolated groups - may be as dangerous to the safety of Americans as that from international terrorist organizations. Together with its federal, State and local partners, the Department has worked steadily to prevent the spread of these cells and the danger of attacks by them.

With respect to prisons, for instance, the Correctional Intelligence Initiative within the National Joint Terrorism Task Force has implemented a number of initiatives to identify, interdict, and deter radicalization and recruiting of inmates in federal, State, and local correctional facilities. In federal prisons, we have enhanced the screening process to identify existing and entering inmates who may already be radicalized and have separately housed the most dangerous and sophisticated international terrorists so that they cannot influence others, gain prestige, or use other inmates to send or receive messages. In addition, we have improved supervision of inmate-led groups and enhanced training and other requirements for religious staff and volunteers.

We are also able to use the tools that have been given to us by the Congress to identify, investigate and prosecute would-be homegrown terrorists, including those inspired by the

ideology of al Qaeda and those who use violent means to advocate such causes as animal rights and environmental protection. Just this past summer, for example, we arrested seven men in Florida who, in support of al Qaeda, were planning attacks on targets in the United States, including the Sears Tower in Chicago and the Miami FBI building. And this past year, nineteen defendants connected with the Earth Liberation Front and the Animal Liberation Front were charged with a variety of crimes relating to attacks against government facilities and private enterprises. Twelve defendants have already pleaded guilty. These investigations and arrests were the product of the hard work and cooperation of federal, State, and local agencies. I applaud the work of state and local law enforcement in identifying and investigating these threats.

## Immigration Reform

As you well know, one of the most pressing and complex issues facing this Committee is the need for comprehensive immigration reform. Such reform is urgently needed to facilitate effective law enforcement, to maintain the productivity of the American economy, and - most importantly - to help ensure the national security of the United States. The Department of Justice has substantial responsibility, of course, for immigration enforcement. Among other things, the Department is responsible for all criminal prosecutions arising from violations of the nation's immigration laws, for incarcerating convicted immigration offenders, and for administratively adjudicating (and defending in federal court) orders for the removal of illegal aliens. As a result, the Department is keenly interested in working with this Committee in pursuit of practical and comprehensive immigration reform.

The President has made clear that such reform must include at least five elements: securing our borders, enforcing immigration laws in the interior (specifically including laws preventing the employment of aliens who are not authorized to work in the United States), establishing a temporary worker program so that foreign workers can do jobs for which U.S. employers cannot find American workers, dealing with the millions of undocumented workers that are already in the United States, and promoting the assimilation of new immigrants. All of these elements are essential to successful and workable immigration reform and must be pursued in tandem.

The Department of Justice in cooperation with the Department of Homeland Security has already increased its efforts to help secure the border and step up interior enforcement by allocating more resources to prosecuting criminal immigration offenders and adjudicating removals of illegal aliens who are here now, but more resources and statutory improvements will be essential in helping the Department to combat immigration fraud, alien smuggling, and other threats to the nation's security.

As the Committee considers new legislation in this Congress, I urge it to bear in mind the importance of all five elements of successful reform and look forward to helping ensure that the Administration has the tools it needs to implement that reform.

## Violent Crime and Drugs

Keeping our communities and citizens safe from violent crime is a top priority for law enforcement at all levels, including the United States Department of Justice. Although the vast majority of the work of preventing, investigating, and prosecuting these crimes is done by state

and local law enforcement, federal investigators and prosecutors can have a significant beneficial impact by, for example: prosecuting federal gun crimes, which carry stiff sentences and remove violent offenders from the streets of our cities; dismantling and prosecuting national gangs under RICO and other federal statutes; interdicting international and interstate drug shipments; and prosecuting the worst drug offenders on federal charges. We look forward to working with this Committee to continue to ensure that the federal criminal justice system can play these vital roles by making reforms to the federal sentencing system. Because of the Supreme Court's decision in *Booker v. United States*, disparity among the sentences handed down to federal convicts has increased. We need to restore the fairness and consistency that existed prior to *Booker* in a way that meets the constitutional requirements established by the Supreme Court in that decision.

We are pleased that the violent crime rates in our nation remain near historic lows. However, as you know, the rates of violent crime in certain cities have shown a slight increase over the last two years, and law enforcement at all levels must be vigilant in determining how we can best address this issue. Last year I announced the Safe Communities Initiative, in which senior Department officials would visit cities around the country to discuss crime issues with state and local law enforcement to better understand what crime issues faced those cities and which law enforcement approaches are the most effective in addressing them. In November and December, they visited 18 cities, including cities where crime rates had increased from 2004 to 2005 and cities where crime had decreased during that period. We are now in the process of digesting what we learned from those visits and assessing what suggestions and proposals we may make to improve law enforcement efforts at the federal, state, and local levels to combat violent crime.

I'd like to give you a brief overview of a few of the Department's current efforts against violent crime.

#### Project Safe Neighborhoods (PSN)

Project Safe Neighborhoods (PSN) is central to the Department's approach. Project Safe Neighborhoods is the nation's largest and most visible effort to combat violent crime and criminal gang activity at a community level. Originally focused on gun crime, the PSN strategy has since been expanded to help America's communities address all forms of violent crime and violent gang activity by providing locally based programs with the tools and resources they need to succeed. The goal is simple and uniform: Get armed criminals off the street so that there are fewer victims of crime and our communities become safer.

In order to make PSN operational, United States Attorneys' Offices across the country have assembled task forces that consist of community stakeholders - those individuals or agencies with an interest in reducing gun crime in the district and/or a specific role in implementing the district gun crime response. Task force members vary by district, but they often include representatives from the U.S. Attorney's Office, federal, state and local law enforcement, state and local prosecutors, parole and probation, corrections, social service agencies, non-profits, local businesses, and educational institutions. The task force is responsible for creating the district's PSN strategy and periodically reviewing and revising the strategy as needed.

Though the ultimate goal is the same, the PSN strategy is unique in every district. The ability of districts to tailor their responses to violent crime under this initiative is one of the reasons PSN is

so successful and is highly regarded by those in the field. We know that the districts are in the best position to assess their crime problem and its primary source. PSN gives districts the flexibility to identify their needs and potential solutions. I hear from law enforcement officials on a regular basis regarding concerns that they have about crime. I cannot tell you how often I hear praise for PSN and the community partnerships that it has created and sustained.

In FY 2006, through the PSN initiative, the Department filed 10,425 cases against 12,479 defendants under sections 922 and 924 of title 18, which regulate the possession and transfer of certain weapons in specified circumstances. This is a 66% increase in cases filed and a 55% increase in defendants prosecuted under those sections since FY 2000. The conviction rate in FY 2006 for federal firearms defendants was 92% - the highest it has ever been. Over 93% of those offenders received prison terms, and over 50% were sentenced to five or more years in prison. This information is important, but it only reflects what is occurring within federal prosecutions. We also know that there is a great deal of good work being done by our partners, the state and local prosecutors, to punish firearms offenders.

## Gangs

Prosecuting gang violence and preventing America's youth from becoming involved with gangs are top priorities for the Department of Justice. We also are committed to working with our partners in state and local law enforcement to take apart the criminal gangs that are responsible for so much violence. The Department has established the necessary infrastructure to focus our resources and carry out our anti-gang mission. First, we established an Anti-Gang Coordination Committee to organize the Department's wideranging efforts to combat gangs. Each United States Attorney has appointed an Anti-Gang Coordinator to provide leadership and focus to our anti-gang efforts at the district level. The Anti-Gang Coordinators, in consultation with their local law enforcement and community partners, have developed comprehensive, district-wide strategies to address the gang problems in their districts.

Within the last year, the Department has further improved our ability to achieve this goal by establishing national coordination, intelligence and enforcement mechanisms aimed at dismantling the most significant violent, national and regional gangs.

The Department created and launched the new National Gang Targeting, Enforcement & Coordination Center (GangTECC) to be the coordination arm of the Department's effort to achieve maximum national impact on America's most dangerous and far-reaching gangs. Led by the Criminal Division, the center coordinates overlapping investigations, ensures that tactical and strategic intelligence is shared among law enforcement agencies, and serves as a central coordinating center for multi-jurisdictional gang investigations involving federal law enforcement agencies.

GangTECC works hand-in-hand with the new National Gang Intelligence Center (NGIC). The NGIC integrates the gang intelligence assets of all Department of Justice agencies and has established partnerships with other federal, state, and local agencies that possess gang-related information. The Department's Criminal Division, under the leadership of Assistant Attorney General Alice Fisher, established the new Gang Squad composed of prosecutors to serve as the



prosecutorial arm of the Department's efforts to achieve maximum national impact against violent gangs.

Additionally, the Department launched a Six Site Comprehensive Anti-Gang initiative that focuses on reducing gang membership and gang violence through enforcement, prevention and reentry strategies. The program provides \$2.5 million in grant funds to each of six sites across the country: Los Angeles, Tampa, Toledo, Dallas/Ft. Worth, Milwaukee, and Pennsylvania's 222 Corridor. Each city's program employs a multifaceted and comprehensive approach, focusing on enforcement, prevention, and prison re-entry.

On the prevention front, I directed each U.S. Attorney to convene a Gang Prevention Summit in his or her district to explore additional opportunities in the area of gang prevention. These summits bring together law enforcement and community leaders to discuss best practices, identify gaps in services, and create a prevention plan to target at risk youth within their individual communities. These summits have already reached over 10,000 law enforcement officers, prosecutors, community members, social-service providers and members of the faith-based community.

#### Drug Enforcement

The Department continues to devote substantial investigative and prosecutorial resources to addressing the problem of drug trafficking. In Fiscal Year 2006, drug cases represented over 25% of all cases filed by our U.S. Attorneys and 35% of federal defendants.

The vast majority of illegal drugs sold in the United States are supplied by drug trafficking organizations (DTOs). The Department continues to believe that utilizing intelligence to target the highest priority DTOs and those entities and individuals linked to the DTOs, using the Drug Enforcement Administration (DEA) and the Organized Crime and Drug Enforcement Task Force program, is the most effective approach to fighting the global drug trade and its attendant threats. It is within this strategic framework that the Department generally organizes its efforts to reduce the supply of illegal drugs. These efforts combine the expertise of multiple federal agencies with international, state, and local partners, to mount a comprehensive attack on major drug organizations and the financial infrastructures that support them. This approach has been successful. Just this past fall, the most significant drug traffickers ever to face justice in the United States - Miguel and Alberto Rodriguez-Orejuela - pleaded guilty in a federal court in Miami to a charge of conspiracy to import cocaine into the United States.

The Department recognizes that the Southwest Border remains a critical front in our nation's defense against both illegal drug trafficking and terrorism. Because a significant amount of drugs that enters the U.S. is trafficked by DTOs based in Mexico, the Department has been working closely with the Government of Mexico, including in joint cooperative efforts by law enforcement. In addition, the Department is continuing discussions with the Government of Mexico regarding extraditions of major drug traffickers.

In addition to its continued efforts on drug trafficking organizations, over the past several years the Department has placed a special emphasis on reducing the demand for, and supply of, methamphetamine and controlled substance prescription drugs.

In support of the Administration's plan to combat methamphetamine, the Department established the Anti-Methamphetamine Coordination Committee to oversee the ongoing implementation of initiatives and to ensure the most effective coordination of its anti-methamphetamine efforts. The Department is enhancing the anti-methamphetamine trafficking and intelligence capabilities of law enforcement; assisting tribal, state, and local authorities with training, cleanup, and enforcement initiatives; and providing grants to state drug court programs that assist methamphetamine abusers. On the international front, the Department is working to cut off the illicit supply of precursor chemicals by working with our international partners.

The United States Government has established a strong partnership with Mexico to combat methamphetamine. In May 2005, the Attorney General of Mexico and I announced several anti-methamphetamine initiatives designed to address improved enforcement, increased law enforcement training, improved information sharing, and increased public awareness. Most of those initiatives are now underway and our goals are being met.

This past year, Congress enacted important legislation, the Combat Methamphetamine Epidemic Act, which regulates the sale of the legal ingredients used to make methamphetamine; strengthens criminal penalties; authorizes resources for state and local governments; enhances international enforcement of methamphetamine trafficking; and enhances the regulation of methamphetamine by-products, among other things. The Department is committed to enforcing rigorously these new provisions of the law in order to address the domestic production of methamphetamine. As state laws regulating methamphetamine precursors went into effect, along with the new federal law, we have seen a decline in domestic methamphetamine labs.

The Department remains concerned about the nonmedical use of controlled substance prescription drugs, which continues to be the fastest rising category of drug abuse in recent years. At the same time, the Department recognizes that it is critical that individuals who are prescribed controlled substance prescription drugs for a legitimate medical purpose have access to these important drugs. Rogue pharmacies operating illicitly through Internet increasingly have become a source for the illegal supply of controlled substances. This issue is a priority for the Department and we are aggressively applying the full range of enforcement tools available to us to address this increasing problem. The Department looks forward to working with Congress on additional enforcement tools that may be appropriate.

#### Project Safe Childhood

I appreciate the work of this committee to safeguard the innocence of our children, including its support for the Adam Walsh Act, which included authorization of Project Safe Childhood.

As you know, the Internet is increasingly used by sexual predators and abusers as a tool for exploiting and victimizing our children through both child pornography and cyberenticement.

The term child pornography imperfectly describes what really are crime-scene photos of the sexual assault of children. The Internet has contributed to a significant increase in the proliferation and severity of such images. It provides deviants with an easily accessible and seemingly anonymous means of accumulating and distributing vast collections of images of child sexual abuse. In the past, pedophiles were constrained by social norms, difficulty in obtaining

images, and their consciences; today, the Internet provides community, affirmation, and easy access to images for sexual deviants. Eventually, many who initially seek images turn to abusing children themselves and producing their own images. The result has been that images of child sexual abuse today are more disturbing, more graphic, and more sadistic than ever before. Worse yet, they involve younger and younger children.

This is not a victimless crime. Most images of child pornography depict actual sexual abuse of real children. I've seen some of the shocking and vulgar images we've uncovered, such as the rape of a girl as young as five years old by an adult man. Though she is unnamed in the series of images cataloguing her abuse, she has been given a distinctive nickname known throughout the world to those who trade in images of child exploitation. This is the reality of child pornography and sexual exploitation on the Internet today.

Masha Allen offered a victim impact statement at a recent criminal trial of a child pornography defendant who was convicted of possessing images of the sexual abuse of Allen by her adoptive father when she was child. "I know that these pictures will never end and my 'virtual abuse' will go on forever....Usually when someone is raped and abused, the criminal goes to prison and the abuse ends. But since [my abuser] put these pictures on the Internet, my abuse is still going on...I want every single person who downloads my picture to go to jail and really be punished as much as possible...They are as evil as [my abuser.] They want to see me suffer. Child pornography is not a victimless crime."

As the Internet and related technologies have grown and evolved, children are also increasingly at risk of being sexually solicited online by predators. Law enforcement is uncovering an escalating number of "enticement" cases, where perpetrators contact children in chat rooms or through instant messaging and arrange to meet at a designated location for the purpose of making sexual contact. The threat posed to our children in cyberspace was highlighted by a national survey, released in August 2006, conducted by University of New Hampshire researchers for the National Center for Missing & Exploited Children. The study revealed that 1 in 7 youth Internet users received unwanted sexual solicitations or approaches in the past year. One in 3 of those that received an unwanted solicitation described the contact as an aggressive sexual solicitation, which threatened to spill over into "real life" because the solicitor asked to meet the youth in person, called him or her on the telephone, or sent him or her offline mail, money, or gifts.

The challenge is great, but we have stepped up to the challenge. Through Project Safe Childhood, which, as I mentioned, was authorized by the Adam Walsh Act and is the backbone of the Department's efforts to combat child exploitation, we have begun to marshal our collective resources and raise online exploitation and abuse of children as a matter of public concern. I see Project Safe Childhood as a strong, three-legged stool: one leg is the federal contribution led by United States Attorneys around the country. Another leg is state and local law enforcement, including the outstanding work of the Internet Crimes Against Children task forces funded by the Department's Office of Justice Programs. And the third leg is non-governmental organizations, such as the Financial Coalition Against Child Pornography and the National Center for Missing and Exploited Children (NCMEC). On this sturdy platform we are certain to build on our success to date, in terms of investigations commenced, defendants prosecuted, and children rescued.

In 2006, federal prosecutors charged 1,638 defendants with child pornography or cyberenticement. Of these, 1,242 were sentenced to prison. This is up from 715 defendants charged in 2000. Over the last ten years, the FBI's Innocent Images National Initiative has gone from 68 defendants charged and convicted as a result of their efforts to 1,018 in 2006. The ICAC task force program opened a remarkable total of 13,667 investigations in 2006 involving suspicion of cyber-enticement and child pornography. Cooperation among law enforcement and NCMEC has yielded more than arrests and convictions; it also has contributed to the identification and, in many cases, rescue of 296 children depicted in images of sex abuse. This is a 50% increase over all preceding years.

We also have made progress in keeping child predators off the street. In late October, 1,659 sex offenders were arrested through "Operation Falcon III" led by the U.S. Marshals with hundreds of partners from state, local and other federal agencies. The effort to separate our children from dangerous offenders will continue to be advanced by the tools provided Congress in the Adam Walsh Act.

For example, I am supporting the development and implementation of new regulations for the Bureau of Prisons to pursue the civil commitment authority provided in the Adam Walsh Act, which will allow a court to civilly commit a sexually dangerous person.

We already are implementing a number of other mandates that were included in the Adam Walsh Act. For example, the President recently appointed Laura Rogers to be the Department's first SMART office coordinator. With this appointment, the Sex Offender Sentencing, Monitoring, Apprehending, Registering and Tracking Office will now be able to get to work on numerous important functions relating to the sex offender registry. Improving that registry and giving the registration requirement some teeth was a step that is going to help all of us protect America's children. In further support of the Adam Walsh Act, the United States Marshals Service has established a Sex Offender Investigations Branch. With these efforts, we hope that unregistered sex offenders will finally understand that non-compliance will not be tolerated.

I think the President put it very well when he signed the Adam Walsh Act. He said: "Protecting our children is our solemn responsibility. It's what we must do. When a child's life or innocence is taken it is a terrible loss - it's an act of unforgivable cruelty. Our society has a duty to protect our children from exploitation and danger."

I look forward to continued work with this committee on this issue that I care about deeply.

### Identity Theft

On May 20, 2006, the President signed Executive Order 13402, establishing an Identity Theft Task Force aimed at using federal resources effectively to deter, prevent, detect, investigate, proceed against, prosecute, and remediate Identity Theft. I have served as the Chairman of that Task Force, with Chairman Majoras of the Federal Trade Commission as my Co-Chair. The Task Force, and we at the Department of Justice, have been very concerned about the current prevalence of the crime of identity theft - some studies indicate that about four percent of Americans are identity theft victims each year - combined with the lingering burdens and effects on victims. As part of the Task Force's efforts, we have looked at the adequacy of the current

federal response, including whether we at the Department of Justice have the tools and authorities we need to protect and assist Americans and prosecute wrongdoers.

The prosecution of identity theft and related crimes has been a focus of the Department of Justice. In 2004, the aggravated identity theft statute was signed into law, and since that time, the Department has used the statute aggressively. The number of aggravated identity theft cases filed increased from 177 in FY 2005 to 344 in FY 2006. The number of individual defendants against whom aggravated identity theft charges were brought increased from 226 in FY 2005 to 507 in FY 2006. For all cases that included aggravated identity theft charges, the conviction rate rose from 87.5 percent in FY 2005 to 93.5 percent in FY 2006. In recent weeks, we have federally charged 148 individuals with identity-theft related crimes in connection with DHS's recent enforcement action at the Swift meatpacking facilities, and have worked with state authorities who have charged another 98 defendants under similar state statutes.

I am proud of our record, but we can do more. Looking forward, the Task Force has identified areas for improvement and will present final recommendations to the President in a comprehensive strategic plan containing recommendations for a fully coordinated federal strategy to combat identity theft. In order to make sure that the Task Force has all of the information that it needs, it is currently seeking public comment on numerous potential recommendations.

The recommendations will build on and ensure effective coordination of robust efforts already under way to prevent identity theft, to assist victims of identity theft, and to investigate and prosecute the identity thieves. We look forward to sharing those final recommendations with this committee, but we have made some interim recommendations already that I can report on today. We conveyed these recommendations to the President on September 19, 2006, and to date, the Task Force has either implemented or taken steps to implement each of the recommendations.

When we look at the problem of identity theft, we are reminded that the same technological advances that have improved our lives have also given new and broad opportunities to criminals including identity thieves. These criminals are clever and sophisticated, and they leave their victims with more than financial loss. As with any crime, victims suffer feelings of violation and stress, but in these cases, victims have the added burden of essentially cleaning up the mess that the identity thieves leave behind. One of the interim recommendations adopted this past September by the Task Force squarely addresses that problem.

We also recommended the development and use of a universal police report for identity theft victims. This will ensure that victims are able to obtain police reports documenting the misuse of their personal information, which in many cases they need in order to obtain fraud alerts, to request that fraudulent information in their credit report be blocked, and to undo the other damage the identity thief has done. Great progress has already been made in this regard.

We recommended that the public sector look seriously at ways to reduce unnecessary use of social security numbers. Social Security Numbers are ubiquitous in government and, as the most valuable piece of consumer information to identity thieves, we must identify ways to keep them more confidential. Furthermore, by reducing unnecessary use of social security numbers in the public sector, we can serve as an example for the private sector.

The Task Force also developed concrete guidance on how federal agencies should respond to data breaches, which the Task Force recommended be immediately issued to all agencies. This step-by-step roadmap, which was issued to all federal agencies and departments in September 2006, is the first guidance of this kind, and it will allow agencies to more quickly, effectively, and intelligently respond to the types of data breaches that have become more and more common in recent years.

A quick and effective response by agencies to data breaches is good government and also has the important effect of allowing the individuals affected by the breach to protect themselves before they become victims. I'm proud of the work of the Task Force to date, and I believe that we are on track to produce a strong set of final recommendations to the President.

### Katrina Fraud Task Force and Combating Fraud

After hurricanes left the Gulf Coast region in ruins, with thousands of lives lost and dismantled, the vast majority of the nation responded with compassion. Government, private sector, and individual efforts to help the people of the region were as unprecedented as Hurricane Katrina herself.

Yet while most Americans were sending donations and prayers, some chose to plot their own corrupt enrichment instead. For example, one woman who was living in Belleville, Illinois, at the time of Hurricane Katrina defrauded FEMA by claiming she was displaced by the storm and even went so far as to tell FEMA that her two daughters had died during the flooding in New Orleans and that she had watched their bodies float away. In reality, this woman had no daughters. It was all an elaborate fabrication that resulted in her indictment by the Justice Department this summer.

Other fraudsters had the audacity to set up websites to collect charitable donations only to pocket the money personally. The examples go on and on.

This problem required a robust, national response, and the Department created the Hurricane Katrina Fraud Task Force to investigate and prosecute these crimes. The Task Force has cracked down on criminal activity ranging from charity and assistance fraud to identity theft, Internet fraud and public corruption involving federal or state contracts. Through the work of the Task Force, private, taxpayer and charitable dollars have been protected and would-be criminals have been prevented from taking advantage of the situation in the Gulf Coast.

In the past year, the Task Force's efforts have resulted in charges against more than 400 defendants in 30 separate judicial districts around the country. I believe the Task Force's efforts have had a significant deterrent effect as well. Since the establishment of the Task Force, FEMA and the Red Cross report that more than \$18.2 million has been returned by recipients of individual-assistance benefits.

Of course, the work of the Task Force is not yet done. Billions of dollars are headed to the Gulf Coast region for the rebuilding effort - and we know that fraud, sadly, follows dollars.

A report released in the fall detailed the trends and patterns the Task Force has identified, and that is one of the things that will assist Task Force members in the considerable work that lies ahead.

The report identified the cycles of fraud after disasters - beginning with charity-fraud schemes, then moving into emergency-assistance schemes, and later into procurement and insurance fraud.

The Task Force has also identified, and detailed in its report, how systemic weaknesses are exploited by criminals. In short, when these criminals find a weak spot, an easy route to the money, they tend to return for more - giving law enforcement an opportunity to stop them. This report is now serving as a guide for the Task Force's ongoing work.

The Department of Justice remains absolutely dedicated to vigorously investigating and prosecuting all types of fraud in the hurricane region.

### Intellectual Property Rights

In our 21st-century economy, intellectual property is among the most valuable assets in enterprises as diverse as manufacturing, communications and medicine. Whether it is the copyright of a blockbuster film, the trade secret for an innovative product, the patent on a life-saving drug or the trademark of a valuable brand, intellectual property is a significant source of growth in the American economy and a key driver of global economic activity. America's intellectual-property-based industries are the biggest exporters in our economy and a strong factor in American competitiveness.

Although our economy suffers from intellectual property theft, intellectual property crime more significantly harms public health and safety. Counterfeit automotive and aviation parts that are prone to failure can cause accidents and injuries. The risks from fake pharmaceuticals are obvious. Intellectual property crimes are serious and by no means victimless.

The key to addressing the threat of intellectual property theft is cooperation among law enforcement authorities, other government agencies, Congress and victims.

This Administration has led an unprecedented effort to crack down on intellectual property theft. This has been possible only because we have made cooperation among government agencies the cornerstone of our efforts. That is what our ongoing "STOP" initiative is all about. The Strategy Targeting Organized Piracy is a comprehensive and coordinated strategy to crack down on the growing global trade in counterfeit and pirated goods. This initiative attacks the problem in a number of ways with nine federal agencies, including the Department of Justice, working together to highlight and to enforce intellectual property rights and to prevent intellectual property theft. I am proud of the Administration's accomplishments with the STOP Initiative over the last two years.

The success of this strategy is made clear in the 2006 Report to the President and Congress on Coordination of Intellectual Property Enforcement and Protection that was released last September. This important document sets forth the Administration's significant and substantial

efforts to stem the tide of intellectual property theft and our coordinated strategy to ensure that intellectual property rights are protected.

The Department of Justice's efforts are also set forth in the report of the Department's own Task Force on Intellectual Property, which I unveiled last June. As you may remember, in March 2004 we had established a Task Force of high-level Department of Justice officials who were given the task of reviewing how the Department enforced and protected intellectual property rights.

The Task Force made 31 substantive recommendations to improve the Department's efforts to protect and enforce intellectual property rights through criminal, civil, and antitrust enforcement; international cooperation; legislation; and prevention programs. When I became Attorney General in 2005, I charged the Task Force with implementing all of the recommendations contained in the Report as soon as possible. And I was glad to be able to announce to you in June that the Department had met, and in some ways exceeded, its goals.

Among our many achievements, the Department of Justice increased the number of defendants indicted for intellectual property offenses by 98% from fiscal year 2004 to 2005. Through these prosecutions, the Department has dismantled international criminal organizations that commit these crimes. We have obtained convictions against sellers of counterfeit medications, IP-crime rings that engaged in terrorist financing through the proceeds from IP offenses, online software and music pirates, and thieves of trade secrets, among many others.

To expand on our successes, we increased the number of prosecutors focusing on intellectual property crimes in the field by creating 12 new Computer Hacking and Intellectual Property, or CHIP, Units in U.S. Attorneys' offices around the country, including offices in Pittsburgh, Pennsylvania; Orlando, Florida; Detroit, Michigan; Sacramento, California; and Nashville, Tennessee. The FBI has also increased the number of its agents assigned to search for digital evidence in intellectual property cases.

In addition, the Department of Justice has deployed an intellectual property law enforcement coordinator in Asia, and we are adding a coordinator in Eastern Europe. We have trained more than two thousand foreign prosecutors, investigators, and judges regarding intellectual property investigations and prosecutions. We have protected victims' rights and established victim-industry partnerships, educated youth on the importance of intellectual property protections, developed a comprehensive resource manual on prosecuting intellectual property crimes, and defended appropriate protections for intellectual property through filings in the Supreme Court.

While I am proud of our efforts and those of our partners, there is more that we can do. We will continue to seek legislation that would, among other things, increase penalties for intellectual property crimes, clarify that registration of a copyright is not required for a criminal prosecution, make attempts to commit copyright infringement a crime and increase the tools investigators have at their disposal to track potential intellectual property crimes. I know that widespread support for intellectual property protection exists in the Congress. We will be pleased to work with you to enact this important legislation.

At the Department of Justice, we realize that we did not achieve the important milestones already reached - and will not continue to make progress - without the cooperation of other federal



agencies, and most importantly, the cooperation of victims. I recognize and appreciate as well the support we received from the Congress on previous bills and treaties, and I hope to build upon that support in the next two years.

## Civil Rights and Voting

The right to vote is the foundation of our democratic system of government. The Department's Civil Rights Division has the solemn duty to protect this right. Last year, the President and I strongly supported the Voting Rights Act Reauthorization and Amendments Act of 2006, appropriately named for three heroines of the Civil Rights movement: Fannie Lou Hamer, Rosa Parks, and Coretta Scott King. This legislation renewed for another 25 years certain provisions of the Act that had been set to expire, including Section 5, under which all voting changes in certain jurisdictions must be "precleared" prior to implementation; sections relating to federal observers and examiners; and the bilingual requirements of Sections 4 and 203.

The Voting Rights Act has proven to be one of the most successful pieces of civil rights legislation ever enacted. However, as long as all citizens do not have equal access to the polls, our work is not finished. As President Bush said, "In four decades since the Voting Rights Act was first passed, we've made progress toward equality, yet the work for a more perfect union is never ending."

During the signing ceremony at the White House, President Bush said, "My administration will vigorously enforce the provisions of this law, and we will defend it in court." The Department of Justice is committed to carrying out the President's promise.

In fact, the Civil Rights Division is currently vigorously defending the Act against a constitutional challenge in federal court here in the District of Columbia. A major component of the Division's work to protect voting rights is its election monitoring program. Our election monitoring efforts are among the most effective means of ensuring that federal voting rights are respected on election day.

In 2006, we sent over 1,500 federal personnel to monitor elections, doubling the number sent in 2000, a presidential election year. During the general election on November 7, 2006, the Division deployed a record number of monitors and observers to jurisdictions across the country for a mid-term election. In total, over 800 federal personnel monitored the polls in 69 political subdivisions in 22 states.

In addition to our presence at the polls, Department personnel here in Washington stood ready with numerous telephone lines to handle calls from citizens with election complaints, as well as an Internet-based mechanism for reporting problems. We had personnel at the call center who were fluent in Spanish and had the Division's language interpretation service to provide translators in other languages. The Department received over 200 complaints through its telephone- and Internet-based system on election day. Many of these complaints were subsequently resolved on election day, and we are continuing to follow up on the rest.

Our commitment to protecting the right to vote is further demonstrated by our recent enforcement efforts. In 2006, the Voting Section filed 17 new lawsuits, which is double the average number of lawsuits filed in the preceding 30 years. Moreover, during 2006, the Division

filed the largest number of cases under the Uniformed and Overseas Citizens Absentee Voting Act, which ensures that overseas citizens and members of the military are able to participate in federal elections, in any year since 1992. Finally, in 2006, the Voting Section processed the largest number of Section 5 submissions in its history. The Division made two objections to submissions pursuant to Section 5, and filed its first Section 5 enforcement action since 1998.

Last year furthered our record of accomplishment during this Administration. During the past six years, the Civil Rights Division has litigated more cases on behalf of minority language voters than in all other years combined since 1965. Specifically, we have successfully litigated approximately 60 percent of all language minority cases in the history of the Voting Rights Act. Moreover, during the past six years, we have brought six of the eight cases ever filed under Section 208 in the history of the Act, including the first case ever under the Voting Rights Act to protect the rights of Haitian Americans.

The work of the Civil Rights Division in recent years reflects the need for continued vigilance in the prosecution and enforcement of our nation's civil rights laws. I am committed to build upon our accomplishments, and continue to create a record that reflects the profound significance of this right for all Americans.

The Department's responsibility to protect access to the ballot box extends not only to civil enforcement of federal voting laws, but also to criminal prosecution of those who commit election fraud. The Criminal Division and the United States Attorneys' Offices have made enforcement against election fraud and campaign financing offenses a top priority. With the assistance of the FBI, we have investigated over 300 election crime matters, charged more than 170 individuals with election fraud or campaign fraud offenses and secured more than 130 convictions. At the present time, over 200 election crime investigations are pending throughout the country. Every prosecution, settlement, or other public resolution puts would-be wrong-doers on notice: We will not tolerate the infringement of voting rights or election fraud, period.

## Conclusion

Finally, I am committed to working with the Committee to confirm the President's judicial nominees. Ensuring that the federal judiciary is fully staffed is essential to our system of justice and to fulfilling many of the Department's critical mandates. Thank you for your dedication to all of the issues I have just outlined. I look forward to working with you in the coming months on these topics and the Department's other missions and priorities.