

Statement of  
**The Honorable Patrick Leahy**

United States Senator  
Vermont  
March 5, 2008

STATEMENT OF SENATOR PATRICK LEAHY,  
CHAIRMAN, SENATE JUDICIARY COMMITTEE  
HEARING ON OVERSIGHT OF THE FEDERAL BUREAU OF INVESTIGATION  
MARCH 5, 2008

Today's hearing will continue our oversight of the Department of Justice as we examine the effectiveness of the Federal Bureau of Investigation in carrying out its critical responsibilities. I welcome back our FBI Director, thank him for appearing today, and thank the hard-working men and women of the FBI for their commitment to keeping us all safe.

We need to take stock of where we are on oversight matters that this Committee raised last year and whether progress has been made, and today we will. This year brings additional concerns. I was astonished to learn that the FBI's failures to pay its bills resulted in telecommunications companies shutting off wiretaps, including at least one FISA wiretap of suspected terrorists. After the Bush-Cheney administration and congressional Republicans refused to extend the Protect America Act, the statute expired, but the surveillance authorized under that statute continues. Ironically, the only shut down of surveillance has been when the telecom companies ceased surveillance due to the Government's nonpayment of fees. This is yet another example of the kind of incompetence that plagued the administration's actions in the aftermath of Katrina. It is unacceptable.

The confidence and credibility of the FBI has also taken a hit as the Bureau seeks to exploit increasingly potent technologies. Recent reports suggest that the FBI is engaged in a \$1 billion program to create a massive biometric database, compiling not just fingerprints, but eye scans, palm prints, facial features, and other identifying features of millions of people. It is vitally important for the FBI to master emerging and enhanced technologies in the fight against crime and terrorism. But we must also be cognizant of the impact that such a database can have on the privacy rights and civil liberties of Americans. It is more important than ever that the FBI acts in ways that protect and enhance the rights and values that define us as Americans, not undermine them. For an organization that has suffered false start after false start in developing an internal computer network, and one that did not pay its bills on time, and one that recently abused national security letters and exigent letters, there is concern.

I also urge the Director to continue to work to address the untenable backlog in the National Name Check Program. Delays and backlogs there contribute to the inaction by the Department of Homeland Security on citizenship applications and on applications for visas by those who have aided American forces in Iraq.

Last year we focused on the FBI's improper use of national security letters and "exigent letters," its lag in hiring agents proficient in Arabic, and the continuing problems with its computer systems. We discussed at last year's oversight hearing the Inspector General's findings of widespread illegal and improper use of national security letters to obtain Americans' phone and financial records. The Inspector General found that the FBI repeatedly abused NSLs and failed to report these violations. Similarly troubling was the FBI's widespread use of so-called "exigent letters," which were used to obtain Americans' phone records, often when there was no emergency and never with a follow-up subpoena, even though the letters asserted both.

Last year we were assured the abuses were being corrected. I look to Director Mueller to demonstrate to this Committee that our oversight has been effective and that corrective actions have been taken, and I await the Inspector General's follow up reports.

I hope that the FBI is finally moving forward in obtaining the information technology that it needs to function efficiently in the Information Age. For years, we have heard of delays, failures, and budget overruns in the FBI's efforts to update its computer system, a project now known as Sentinel. I hope this stream of setbacks will finally come to an end. Likewise we need an update on the FBI's efforts to hire, train, and utilize its intelligence analysts, and to increase its ability to retain analysts and agents proficient in Arabic.

One area in which the FBI, along with our military, have led has been on the topic of torture and the effective interrogation of detainees. The FBI has consistently been a voice of reason on these issues. It seems to me that the FBI has concluded that tried and true interrogation tactics, which do not use cruelty and torture, are not only more consistent with our laws and our values, but are also more effective in obtaining information we can rely upon to help protect our nation.

Finally, I hope that the Bureau will work with our Committee to ensure that the FBI does not sacrifice its traditional leadership role in fighting crime. Violent crime has been back on the rise in recent years, as FBI resources dedicated to it have stagnated. The FBI is also uniquely suited to take on fraud and corruption, and it is not acceptable when other agencies and organizations seek to undermine its commitment in those areas.

This is the time for the FBI to recommit itself to its best traditions. I appreciate the Director's openness to oversight and accountability. That distinguishes him and his agency from much of the Department of Justice and this administration.

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