

Testimony of  
Hon. Greg Abbot

July 24, 2008

Prepared Testimony of  
Texas Attorney General Greg Abbott

United States Senate Judiciary Committee  
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Thank you, Chairman Whitehouse and Senator Hatch for convening this hearing today. I appear here to reaffirm the benefits that can be achieved by federal and state cooperation and coordination in criminal investigations and prosecutions of crimes committed by members of the FLDS.

As this committee may know, my office is engaged in pending prosecutions of certain FLDS members. Two days ago, a grand jury in Schleicher County, Texas, returned seven indictments against six suspects. All suspects are associated with the YFZ compound near Eldorado, Texas.

Among the six suspects is Warren Jeffs, who is charged with sexually assaulting a child, a first-degree felony.

Four additional suspects are charged with sexually assaulting young girls under the age of 17. One of those suspects is also charged with felony bigamy.

A separate suspect has been indicted on three counts of failure to report child abuse.

The indictments issued this Tuesday are part of an ongoing and continuing criminal investigation.

Because these are pending charges, and because of the nature of this criminal investigation, my ability to provide details about these cases will be limited. I do, however, want to provide the committee some

background information about the situation in Texas so you can better understand our perspective on how cooperation and coordination between federal and state authorities can be beneficial.

The charges issued by the grand jury earlier this week reflect a joint effort between several law enforcement agencies. The Texas Office of the Attorney General is leading the prosecution in this case, in coordination with the local district attorney, and the Texas Rangers are serving as the lead investigators. However, several other law enforcement agencies are working closely and cooperatively in this massive, multi-jurisdictional investigation.

This week's indictments reflect a cooperative effort between the Texas Attorney General's Office, Texas Department of Public Safety, the Texas Rangers, the 51st Judicial District Attorney's Office, as well as the United States Attorney for the Northern

District of Texas, and the Federal Bureau of Investigation. My office has also maintained open lines of communication with the offices of Attorneys General in Arizona and Utah.

We have seen first hand the vital importance of communication and cooperation among state and federal authorities.

The suspects in this case are part of an organization with roots in many states and three countries. To state the obvious, it is a big challenge for state authorities, acting alone, to contain or prevent criminal activity that crosses multiple state - and even national - borders.

According to press reports, Warren Jeffs ordered that the YFZ Ranch in Texas be purchased just one month after Arizona authorities prosecuted an FLDS member for an unlawful sexual relationship with a 16-year-old girl. This frames an important issue for this committee to consider--when one state enforces its law, the FLDS leaders simply move their operations to another state.

Recent press reports indicated that, after the joint crackdown by Utah and Arizona, FLDS members began moving to Southern Nevada and, of course, Texas.

When Utah's enforcement efforts convinced a federal judge to appoint a new trustee to oversee a \$100 million FLDS trust, the new trustee reportedly took stock of numerous real property assets in the twin cities of Hilldale and Colorado City. And, according to the trustee, during one week alone, seven houses were abandoned by FLDS members who were presumed to have taken up residence in Texas.

As law enforcement efforts in Texas began to intensify, a Houston Chronicle story noted that the "vast majority" of males at the ranch "have been moved" and "gone underground." As the Dallas Morning News put it, Texas authorities are "up against a culture of secrecy, unlimited resources, and sect members well-schooled in the art of misleading authorities." And the International Herald Tribune wrote about a "network of safe houses where sect members can take refuge" and families living in a "house of hiding."

Today's Houston Chronicle notes that "Texas authorities will have their work cut out for them as they try to track members of a polygamist sect well-equipped to hide within a national network of safehouses and whose members, critics say, have no qualms about harboring a fugitive."

These media reports underscore a real difficulty facing state authorities. This group moves seamlessly from state to state, location to location and has the infrastructure necessary to thwart law enforcement. Even Warren Jeffs, who has achieved international notoriety, managed to hide from authorities for over a year--and he was on the FBI's most wanted list.

This leads me to two very important points:

First, if individuals are charged with crimes, and if those individuals flee the jurisdiction by the time those charges are filed, state authorities could benefit from help by the FBI,

the U.S. Marshals, and U.S. Attorneys across the country in locating and arresting those individuals and returning them to the right jurisdiction to stand trial. Assistance and cooperation from federal officials can help ensure these suspects stand trial for the crimes with which they are charged.

Second, and from a bigger picture perspective, we have seen that the FLDS is highly mobile and willing to move from one location to the next in an apparent effort to avoid state authorities. Thus it is critical that federal authorities focus on the FLDS, and devote the resources necessary to prosecute criminal wrongdoing that is uncovered--whether the evidence leads to Texas, Nevada, Arizona, Utah, or somewhere else. A comprehensive federal response should minimize - if not eliminate - the possibility that persons within FLDS who may be predisposed to commit polygamy, or other crimes, will simply move their operations to another location, because of law enforcement action in their current location.

Although many of the alleged crimes associated with FLDS are state crimes that warrant attention by state officials, there are at least two reasons why federal authorities should get involved.

First, there are multiple potential federal crimes that federal authorities could pursue. Second, by depending exclusively on state authorities, certain criminal activity may--or may not--be investigated

and prosecuted because of the FLDS's ability - or attempt - to control governmental activity where their community is located and, consequently, suppress law enforcement activities.

I'll explain the second point first. As I understand it, Hildale, Utah and Colorado City, Arizona operated as autonomous regions for decades with little or no oversight from state or federal authorities. FLDS reportedly owned 85% of the land in the two towns and FLDS leaders allegedly controlled everything from the town council, to the police department, the fire district, the local electrical utility, and school district.

That was the case until General Goddard and General Shurtleff took action to enforce the law in those long-ignored areas and disentangle the FLDS from the local government. In Arizona, for example, General Goddard charged a school district official with gross financial mismanagement and asked that the district be placed in receivership. Among the misuses of taxpayer money was the purchase of a \$200,000 airplane. Additionally, the school district executed and later terminated a real estate lease with an FLDS-controlled trust that cost the taxpayers \$190,000 in prepaid rent.

These abuses occurred because local authorities under the FLDS's control apparently looked the other way--which is why Arizona authorities had to decommission six peace officers.

A close look at Schleicher County, Texas, where the YFZ Ranch is located, shows that it lies in a sparsely populated rural area where the FLDS could similarly take control in a

way that would allow them to evade law enforcement. Only 698 citizens voted in that county during the November 2006 election.

Second, although the alleged criminal conduct currently being prosecuted by our office involves crimes that traditionally fall within state authorities' purview, there are important issues for federal prosecutors to consider. Given the nature of the FLDS, and the nature of the crimes that may have been committed, there are a number of areas in which cooperation and coordination could be particularly effective. Without listing them all, the following are some of the more important from my viewpoint.

Consideration should be given to the full application of federal laws, such as the Mann Act, to prosecute crimes committed against underage girls born or placed into the FLDS, as part of the systematic victimization of young women within the sect. Such victimization of young women involves elements of both human trafficking and domestic violence and abuse - two areas which the Department of Justice has committed itself to combating across the country.

Consideration should also be given to the full application of federal laws to investigate potential white-collar crimes by FLDS members and their leadership - activity that spans state borders and which federal law enforcement is experienced and qualified to evaluate and prosecute.

There should be cooperation and coordination among state and federal law enforcement on the collection, review, evaluation and sharing of evidence that has been gathered throughout the states and by the federal government.

Cooperation and coordination are also needed to ensure that if FLDS members are charged with crimes, federal and state resources will be dedicated to locating and arresting those defendants.

Finally, I will mention that cooperation and coordination is warranted to assist the victims of crimes by FLDS members, including those victims who have been subjected to sexual or other abuse.

These are just a few ideas for the committee to consider. This committee and the Department of Justice can be assured that the State of Texas will continue to work closely and cooperatively with federal authorities to hold accountable those who have broken the law. I can also assure the Committee that there has already been a good deal of cooperation and coordination among state and federal law enforcement officials in Texas.

It is my hope that the Committee's hearing today will serve as a step forward in efforts to ensure that detection and prosecution of crimes by FLDS members will span the divides of geographical borders and will employ the full force of both state and federal law.

Thank you.