

Statement of

The Honorable Patrick Leahy

United States Senator
Vermont
November 18, 2009

Statement Of Senator Patrick Leahy (D-Vt.),
Chairman, Senate Judiciary Committee,
Hearing On "Department Of Justice Oversight"
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I commend the Attorney General for moving forward last week with plans to proceed on several cases against those who seek to terrorize the United States. He is using the full range of authorities and capabilities available to us. Just as President Obama is using our military, diplomatic, legal, law enforcement, and moral force to make America safer and more secure, the Attorney General is exercising his responsibilities in consultation with the Secretary of Defense to determine where and how best to seek justice against those who have attacked Americans here at home and around the world. After nearly eight years of delay, we may finally be moving forward to bring to justice perpetrators of the September 11 attacks. I have great confidence in our Attorney General, the capability of our prosecutors, our judges, our juries, and in the American people in this regard. I support the Attorney General's decision to pursue justice against Khalid Sheikh Mohammed and four others accused of plotting the September 11 attacks in our Federal criminal court in New York.

War crimes, crimes of terror, and murder can successfully be prosecuted in our Federal courts, as we have demonstrated time and again. America's response to these acts is not to cower in fear, but to show the world that we are strong, resilient and determined. We do not jury-rig secret trials or kangaroo courts. We can rely on the American justice system. I urge this Committee and the American people to support the Attorney General as this matter proceeds, and urge the Congress to provide such assistance as will be needed, included providing the victims of those events the ability to participate. As many surviving family members of those killed that day have said, after years of frustration, it is time to have justice.

Federal courts have tried more than 100 terrorism cases since September 11, proving they can handle sensitive classified information, security, and other legal issues related to terrorism cases. Since the beginning of this year more than 30 individuals charged with terrorism violations have been successfully prosecuted or sentenced in Federal courts. The Federal courts located in New York City tried and convicted the so-called "Blind Sheikh" for conspiring to bomb New York City landmarks, and Ramzi Yousef for the first World Trade Center bombing.

New York was one of the primary targets of the September 11 attacks. Those who perpetrated the attacks should be tried there. They should answer for their brutality, and for the murder of

thousands of innocent Americans. Like Mayor Bloomberg, I have full confidence in the capacity of New York, and I have full confidence in Ray Kelly and the New York Police Department.

The Attorney General personally reviewed these cases and, along with Defense Secretary Gates and based on the protocol that they announced this summer, determined to use our full array of powers by proceeding against the September 11 plotters in Federal court, those charged with the attack on the U.S.S. Cole before a military tribunal, and against Major Hasan in a court martial for the deadly attack at Fort Hood just two weeks ago.

The President spoke at Fort Hood last week in a tribute to the brave men and women of our Armed Forces there. He expanded on that matter in his weekly address over the weekend. We all join the President and military community in grieving for the victims and their families and pray for the recovery of those who were wounded. Nidal Hasan has been charged with 13 counts of premeditated murder. The Army is leading the investigation with the support of the FBI. The President has ordered a review of what was known about Hasan prior to the assault at Fort Hood and has promised accountability. He has urged us to resist the temptation to politicize these matters or make irresponsible accusations before we assemble and know the facts.

This Committee will conduct appropriate oversight, but we should do so at a time and in a manner that does not interfere with the investigation and prosecution of this case. I am one who believes that we need to determine what mistakes were made, and that we should do all we can to prevent this tragedy from being repeated. I have already written to John Brennan, the Assistant to the President for Homeland Security and Counterterrorism, on behalf of this Committee, and asked him to provide us the results of the internal investigation by the FBI, Army and intelligence agencies that is already underway. I have spoken to both Attorney General Holder and FBI Director Mueller, and yesterday the Ranking Republican member and I, as well as the Chairman of the Intelligence Committee Senator Feinstein, were briefed on the status of the investigation. We should and will conduct responsible oversight, but we should not be reckless. We should not take steps that will interfere with the ongoing investigation or stand in the way of military prosecutors compiling a thorough case.

Also yesterday, the Attorney General Holder and Treasury Secretary Geithner announced the creation of a financial fraud task force. This is a significant step in our efforts to strengthen fraud prevention and enforcement. It implements the authority we provided in the Fraud Enforcement and Recovery Act (FERA) of 2009. I worked hard with Senator Grassley and Senator Kaufman to draft FERA and get it passed. President Obama signed it into law earlier this year. By giving law enforcement new tools and resources, FERA strengthens the Federal Government's ability to investigate and prosecute the kinds of financial frauds that have severely undermined our economy and hurt so many hard-working Americans. We are now hard at work on measures that can help find, deter and punish health care fraud, as well. Just this week, we learned that the government has paid more than \$47 billion in questionable Medicare claims. As we prepare to consider health reform legislation, we must address these growing instances of health care fraud. We also need to complete our legislative work on a media shield bill and the USA PATRIOT Act Sunset Extension Act. On both these important measures, the Attorney General has come forward with strong support.

With those opening remarks, I welcome Attorney General Holder back to the Committee for his fourth appearance this year.

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