

Statement of

The Honorable Patrick Leahy

United States Senator
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It is appropriate that we welcome Director Robert Mueller of the Federal Bureau of Investigation back to the Committee during National Police Week. Yesterday I attended the National Peace Officers ' Memorial Service with President Obama at the Capitol. Every year we lose too many fine law enforcement officers in the line of duty. I know Director Mueller is keenly aware of their sacrifice and is focused as I am on how best to protect those who protect us. I thank him and the hardworking men and women of the FBI who do vital work every day to keep us safe.

In the years since September 11th, the FBI has played an increasingly important role in our Nation's counterterrorism and intelligence gathering efforts. Together with prosecutors, other law enforcement partners, and the intelligence community, the FBI has helped obtain hundreds of terrorism convictions in our federal criminal courts.

Earlier this month, a federal jury in New York handed down a guilty verdict in one of the most serious terrorism plots since 9/11, which involved plans to carry out suicide bombings in the New York subway in 2009. Contrary to the fearful predictions of some, this major terrorism trial proceeded without a hitch in a federal court in the heart of New York City. There was hardly any disruption of the lives of New Yorkers who live and work near the courthouse.

The defendant was convicted without the need for mandatory military custody or interrogation, and certainly without the need for indefinite detention at Guantanamo Bay or elsewhere. He will be sentenced later this year, and faces life imprisonment. This is only the latest example of federal law enforcement, prosecutors, and criminal courts successfully investigating and trying terrorism cases. In recent years, the Christmas Day bomber and the Times Square bomber were convicted and sentenced to life imprisonment after the FBI used its expertise and experience to obtain Mirandized statements, without resorting to torture.

In contrast, the military commissions proceedings against the 9/11 plotters are just beginning at Guantanamo Bay. There will undoubtedly be lengthy litigation concerning the torture and mistreatment of certain defendants, and the trial itself will not start until sometime next year. Moreover, as Director Mueller pointed out last year during the debate over the defense authorization bill, mandating military custody in these situations merely hampers the FBI's ability to react swiftly and flexibly in gathering intelligence and evidence. That is one of the reasons why I have joined Senator Mark Udall in cosponsoring the Due Process and Military Detention Amendments Act, which would repeal that mandatory military detention requirement.

In the coming months, I also look forward to speaking with the Director about the

administration 's request for reauthorization of the FISA Amendments Act. I certainly appreciate the importance of providing the intelligence community with appropriate surveillance tools to help protect our country against terrorist threats. But we must also be sure that we are conducting sufficient oversight to ensure that we protect the privacy rights and civil liberties of law-abiding Americans. That is what I tried to do when we reauthorized certain provisions of the USA PATRIOT Act, and I am disappointed that commonsense, bipartisan improvements were ultimately not enacted. As Congress considers the administration 's request to reauthorize the FISA Amendments Act, I intend to look at whether we need to strengthen accountability, privacy, and civil liberties protections in the various parts of FISA.

While faced with daunting national security challenges, Director Mueller has also ensured that the FBI has maintained its historic focus on fighting crime. At a time of economic crisis and shrinking state and local law enforcement budgets, many expected violent crime to skyrocket. Instead, crime rates across the country have continued to decline. Along with the commitment of the President and the Congress to continued federal assistance to state and local law enforcement, the dedicated service of FBI agents throughout the country has played an important role in helping to keep crime rates low and Americans safe in their communities.

The FBI and the Justice Department have also worked hand in hand with us to make great strides toward more effective fraud prevention and enforcement. In the last Congress, I worked hard with Senators on both sides of the aisle to craft and pass the Fraud Enforcement and Recovery Act, the most expansive anti-fraud legislation in more than a decade. We enacted important anti-fraud provisions as well as part of both the Affordable Care Act and Wall Street reform legislation. I am pleased to see that the FBI has greatly increased the number of agents investigating fraud. These new agents and new laws, together with hard work and effective investigative tactics, have led to record fraud recoveries and increased fraud arrests and convictions.

I commend the FBI for also continuing to combat corruption. We should pass commonsense, bipartisan legislation like the Fighting Fraud to Protect Taxpayers Act and the Public Corruption Prosecution Improvements Act to give the FBI more tools for fighting the scourges of fraud and corruption that have shaken the faith of the American people in recent years.

I thank the Director, again, for continuing to serve the American people and welcome him back to the Committee.

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