

Testimony of

The Honorable Chris Wray

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STATEMENT OF
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Mr. Chairman, members of the Committee, thank you for asking us here today. I am pleased to be able to discuss with you the Justice Department's efforts in the investigation and prosecution of terrorists, and in the protection of the American people from future terrorist attacks. I am also pleased to discuss how the material support statutes have been crucial to those efforts.

We have made significant progress and scored key victories in the war on terror. Since September 11, we have charged 310 defendants with criminal offenses as a result of terrorism investigations. 179 have already been convicted. We have broken up terrorist cells in Buffalo, Charlotte, Portland, and northern Virginia. Through interagency and international cooperation, nearly two-thirds of Al Qaeda's leadership worldwide has been captured or killed. We are dismantling the terrorist financial network: \$136 million in assets have been frozen in 660 accounts around the world.

The recent tragedy in Madrid, however, has been yet another grim reminder that our enemies continue to plot such catastrophic attacks and will not willingly stop trying to strike us at home. The United States and its allies have been subject to deadly terrorist attacks tied to Al Qaeda throughout the world. Several weeks after the Madrid train bombings, British authorities arrested nine terrorist suspects and seized half a ton of ammonium nitrate fertilizer, a chemical used to make bombs, in a storage garage near London's Heathrow Airport. Two weeks ago, a car bomb in Riyadh, Saudi Arabia killed five people and wounded 147 others; at the time, Saudi officials reported that they had defused five other bombs in and around Riyadh that week. And just a few weeks ago, Osama bin Laden called on Al Qaeda and its supporters to continue their terrorist holy war, or jihad, against the United States, and tried to drive a wedge between coalition partners with threats of violence.

The Attorney General has made it clear that the Justice Department's top priority is to prevent terrorist attacks before they occur. All of us in the Department have placed a premium on finding creative ways to disrupt terrorist planning and operations before disaster strikes. Pursuing and prosecuting terrorists after an attack is part of our mission, but it is not the focus of our efforts.

Old models of law enforcement and deterrence are ineffective against adversaries who not only accept, but glorify, killing themselves in the course of attacking innocent people. We cannot and will not limit our role to a reactive one, simply picking up the pieces after terrorist attacks. In other words, we are playing strong offense, not just defense, through aggressive investigation, comprehensive intelligence gathering, and real-time analysis of data.

Our offensive strategy targets both the perpetrators of violence and those who give them material support. The chronology of a terrorist plot is a continuum from idea, to planning, to preparation, to execution and attack. The material support statutes help us strike earlier on that continuum -- we would much rather catch terrorists with their hands on a check than on a bomb. By dismantling the entire terrorist network, from the front-line killers, to those training to kill, to the fundraisers and facilitators, we maximize our chances of neutralizing terrorist activity. The more difficult it is for a terrorist to reach our shores, or communicate with co-conspirators, or buy a bomb, or learn how to build one, the less likely it is that a bomb will explode in one of our cities and kill innocent Americans.

The material support statutes -- 18 U.S.C. ' 2339A and 2339B -- and related offenses like the International Emergency Economic Powers Act (IEEPA), 50 U.S.C.

' 1701 et seq., and seditious conspiracy, 18 U.S.C. ' 2384, have been a crucial part of our prevention strategy. Their scope, which properly extends not only to violent terrorists but also to their supporters, gives our investigators and prosecutors an invaluable tool with which to pursue, disrupt, incapacitate, and punish those who would do us harm.

The statutory definition of Amaterial support@ illustrates the breadth of resources that terrorists may need to carry out a successful attack, and the many ways in which their supporters can contribute to the spread of violence. For example, terrorists need not only weapons, but also the training to use them, the money to buy them, and the personnel to wield them. Furthermore, while planning and preparing for their attacks, terrorists need safe places to stay, expert advice on targets and methods of attack, communications equipment to keep in touch with each other, means of transportation, and identity documents to cross borders.

In implementing our proactive strategy of prevention, we have put the material support statutes to good use. Only a handful of material support prosecutions were initiated before September 11, but since then, the Department has charged over 50 defendants with such offenses in 17 different judicial districts. The following examples of these cases illustrate the breadth of terrorist activity that the material support statutes allow us to disrupt and punish.

The most obvious category of material support cases involves defendants who actually volunteer to commit violence on behalf of terrorists and foreign terrorist organizations. In our view, prosecutors may use the material support statutes to prosecute these individuals because the definition of Amaterial support@ includes Apersonnel,@ in the form of one=s own personal services. Using the material support statutes, we have broken up violent jihad cells across the country:

Members of a terrorist cell in Lackawanna, New York traveled to Afghanistan and attended an Al Qaeda-affiliated training camp there before the September 11 attacks. They pleaded guilty to material support charges, agreed to cooperate, and are now serving prison terms ranging from eight to ten years.

Members of another terrorist cell in Portland, Oregon attempted to travel to Afghanistan after September 11 to fight on behalf of the Taliban. After being charged with conspiring to provide material support to Al Qaeda and the Taliban, they pleaded guilty to seditious conspiracy and IEEPA violations and were sentenced to prison terms ranging from seven to 18 years.

In March, several members of another cell in northern Virginia were convicted of material support offenses after training in the United States to fight jihad in Afghanistan and Kashmir. Two defendants also traveled to Pakistan after September 11 to train further in a terrorist camp there. The defendants will be sentenced in June and face up to life in prison.

When persons like these actually learn how to wage violent jihad from groups such as Al Qaeda, and then return to the United States, they pose a clear and serious threat to the safety of the American people. Tens of thousands have attended training camps where they have been schooled in terrorist tradecraft, learning skills like bomb-making and covert communications. It is very difficult to know exactly when these sleeper agents may go operational, and what manner of violence they may visit upon innocent citizens. Nor should we wait to find out. The material support

statutes enable prosecutors to take such persons off the streets and into court, where they face stiff penalties that match the threat they pose. Moreover, the sentences available under the statutes often produce cooperation with the government, and thereby lead to valuable intelligence about terrorist networks. Without the material support statutes, prosecutors may still pursue these terrorists through other avenues -- for example, by seeking to deport them for violating immigration laws -- but these alternatives are not always available and often lack the same potential for incapacitation and intelligence-gathering.

The material support statutes also allow us to strike at earlier stages of terrorist operations by pursuing those who provide a wide array of support to the front-line killers. For example, Lyman Faris, a naturalized citizen working as a truck driver in Ohio, helped Al Qaeda by researching the capabilities of ultralight airplanes, extending the airline tickets of several Al Qaeda members, and surveying a potential target and reporting his assessment by coded message. Upon pleading guilty to material support charges, he was sentenced to twenty years in prison.

Last August, the FBI arrested Hemant Lakhani in New Jersey for allegedly attempting to sell a shoulder-fired surface-to-air missile to an FBI cooperating witness for the purpose of downing a U.S. civilian airliner. Lakhani was charged with offenses including attempting to provide material support to terrorists and faces up to 25 years in prison.

In March, in San Diego, California, two men pleaded guilty to providing material support to Al Qaeda. They had negotiated with undercover agents to buy four Stinger anti-aircraft missiles, which the defendants stated would be sold to associates of the Taliban and Al Qaeda in Afghanistan. Each faces up to fifteen years in prison for this offense.

Of course, in addition to these specific types of assistance, supporters of terrorism can also provide money itself, which every terrorist group needs to survive. In some cases, terrorist supporters in the U.S. engage in crimes within our borders to support violence overseas. For example, we uncovered a group of Lebanese nationals in Charlotte, North Carolina, who were using the proceeds of credit-card fraud and cigarette smuggling to fund Hizballah operatives in Beirut. The lead defendant in this case was convicted of sixteen separate counts that included providing material support to Hizballah, and was ultimately sentenced to the maximum penalty of 155 years in prison. Similarly, another group in Detroit sent the proceeds of their own cigarette-smuggling ring to Hizballah. The lead defendant in this case pleaded guilty to providing material support to Hizballah and was sentenced to almost five years in prison.

Terrorist financiers also conceal their funding of terrorist organizations by using charitable front organizations. For example, Sami Al-Arian, a former university professor in Tampa, Florida, has been charged with material support and related offenses for allegedly operating secretly as the North American leader for the Palestinian Islamic Jihad, one of the world's most lethal terrorist organizations. Al-Arian allegedly helped operate and fund an organization that has killed over a hundred people, including U.S. citizens.

Terrorists know that money is their lifeblood and have voiced frustration at the success of our efforts to clamp down on terrorist financing. Take, for example, the complaints of Jeffrey Battle, a member of the terrorist cell broken up in Portland. In a recorded conversation with an FBI informant, Battle explained why his enterprise was not as organized as he thought it should have been (quote):

A[B]ecause we don't have support. Everybody's scared to give up any money to help us. . . . Because that law that Bush wrote about . . . Everybody's scared . . . He made a law that says for instance I left out of the country and I fought, right, but I wasn't able to afford a ticket but you bought my plane ticket, you gave me the money to do it . . . By me going and me fighting, by this new law, they can come and take you and put you in jail. @

Battle was right. His ex-wife, who knowingly helped fund his travel toward Afghanistan, was prosecuted, pleaded guilty, and is now in prison, like Battle himself.

We have also learned that our pursuit of terrorist financiers can lead to the apprehension not only of those who write checks to terrorists, but also of the dangerous and violent terrorists themselves. In a case I mentioned earlier, members of a terrorist cell in northern Virginia were convicted of providing, and conspiring to provide, material

support to terrorist groups. In her opinion, District Judge Leonie Brinkema quoted a report introduced into evidence against the Virginia cell members. The report was written by a fundraiser for Benevolence International Foundation (BIF), an Islamic charity headquartered in Chicago. The fundraiser had been invited to observe the Virginia cell's military-style paintball training exercises, and praised the fervor of the cell members and the rigor of their training sessions.

The report first came to the attention of investigators and federal prosecutors in Chicago who suspected BIF's executive director of diverting charitable contributions to terrorist organizations around the world. They sent the report to the Justice Department's Counterterrorism Section, which in turn forwarded it to federal prosecutors in Virginia. The result: In Chicago, BIF's executive director pleaded guilty to a racketeering conspiracy, admitting that BIF donors were misled into believing that their donations would support peaceful causes when in fact funds were spent to support violence overseas. He was sentenced last August to over eleven years in prison. In northern Virginia, nine of eleven defendants have been convicted or have pleaded guilty to offenses arising out of the cell's preparations for jihad. The relationship between these two investigations illustrates the coordination and the proactive and preventive strategy that we must employ to win the war on terror.

Before I finish, I should address one important issue. Some people have expressed concerns about potential First Amendment implications of the material support statutes. But the material support statutes do not, and should not, prohibit people from believing what they want, however misguided, advocating what they believe in, and acting independently and nonviolently based on their beliefs. It is only when someone crosses the line between advocacy and action on behalf of terrorists or a designated foreign terrorist group that they can and should be prosecuted. As Judge William Skretny told Shafal Mosed, one of the Lackawanna Six, when sentencing him to eight years in prison, the material support offense is not a thought crime, and that "[i]f you had supported Al Qaeda in your heart only, you would not be here today." Rather, Judge Skretny said, he was being punished because he made a decision to take action. In short, neither the statutes nor our enforcement of them infringes First Amendment rights.

Mr. Chairman, I thank you again for inviting us here and giving us the opportunity to discuss how the material support statutes are being used in the field to fight terrorism. I would also like to thank this Committee for its continued leadership and support. Together, we will continue to make great strides in our battle to defeat those who would do this country harm.

After you hear from my colleagues, Mr. Bryant and Mr. Bald, I will be happy to respond to any questions you may have.