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U.S. Attorneys Discuss Patriot Act Meeting with the President

The Stakeout

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WAINSTEIN: Good afternoon.

My name is Ken Wainstein. I'm the U.S. attorney here in Washington, D.C., and I'm here with a number of my U.S. attorney colleagues from around the country. And we just had a meeting with the president about the Patriot Act.

He asked us to give him our input about the importance of the Patriot Act to our investigations and our criminal cases and national security cases around the country.

We told him that we use it each and every day to protect our country against terrorists and criminals, and though there are only 20 of us here today, I can assure you that every other one of the 93 U.S. attorneys uses the Patriot Act tools each and every day in his or her efforts.

The president -- we are very grateful that the president heard out our concerns and we're very grateful that he appreciates the vitality, the centrality of these authorities and importance of these authorities in our efforts to protect the country against terrorists.

It's also important to note, and he recognizes as well, that the Patriot Act has been critical in other non-terrorist criminal cases around the country.

And to give you some anecdotes about how important the Patriot Act has been over the last few years, some of my colleagues are going to tell you about some of the cases in their districts.

Thank you.

Carol Lam, U.S. attorney in the Southern District of California.

LAM: Good morning.

This morning I briefed the president on a case that we have in San Diego involving a weapons-for-drugs deal that was taken down in an undercover operation.

As many of you know, before the Patriot Act, sharing was not permitted between an ongoing foreign intelligence wiretap and criminal prosecution. This created, unfortunately, a situation where people had to choose, law enforcement had to choose between either pursuing an intelligence investigation or a criminal investigation.

With the Patriot Act, we are now permitted to share that information so if an intelligence investigation is going on and evidence of a crime is revealed, that information can be shared with criminal investigators and criminal prosecutors so that, that information and evidence can be used in a criminal prosecution.

In San Diego, this case involved three individuals, weapons dealers who were interested in taking Stinger missiles from undercover FBI agents and reselling them to Al Qaida and the Taliban. In return, they were going to give 600 pounds of heroin and five metric tons of hashish to the undercover FBI agents. As weapons for drug deals shows the narcoterrorism that's going on in the world today.

With Section 218, the information-sharing provisions of the Patriot Act, we were able to share information and that resulted in the undercover operation that took these dangerous individuals out of commission.

Thank you very much.

GARCIA: Thank you.

Mike Garcia from the Southern District of New York.

I spoke to the president this morning about cases that we had in New York back in the 1990s, and I was a prosecutor then and I saw firsthand the effect of the wall, the wall between the intelligence investigations and the criminal investigations, when we were prosecuting some of the major terrorism cases at that time.

Specifically, we spoke about the Rahman case, the blind cleric who was charged with a plot to blow up landmarks in New York City.

When that investigation was launched, it was an intelligence investigation and the prosecutors and the criminal agents were walled off from that information until the last minute when, by luck and extraordinary effort, enough information came over that wall to enable us to prosecute Sheikh Rahman and his followers and to convict them of terrorism charges.

And I contrasted the rules that we had to operate under in the '90s in the Sheikh Rahman case with the rules that we have today under the Patriot Act, where sharing is the rule and not the exception that comes about by luck and personal relationships, that somebody mentions something and, by hard work, you can follow up and get enough information.

Now, we have a process for sharing information.

And that was evident in the case that involved Sheikh Rahman's attorney, Lynn Stewart, his translator, and another associate, Sitar (ph), that was recently prosecuted in the Southern District under the new sharing rules of the Patriot Act, where we can expend our energy actually investigating and prosecuting terrorists and not trying to determine how agents of the same government can share information about terrorists.

Thank you very much.

MAUSKOPF: I'm Roslynn Mauskopf, the United States Attorney for the Eastern district of New York.

In addition to bullets and bombs, money is the lifeblood of terrorists. And, in the Eastern district of New York, we have used the Patriot Act and many of its provisions to choke off the supply of money to terrorists.

In one case prosecuted in the Eastern District of New York, we used the Patriot Act to secure convictions of Mohammed Al-Moayad and Mohammed Zayed.

Both of these individuals were Yemeni citizens. And Mohammed Al-Moayad was the self-proclaimed spiritual adviser to Osama bin Laden.

Using the provisions of the Patriot Act, we were able to convict these two individuals of material support of terrorism, for funneling over \$20 million to Al Qaida and Hamas.

And these two individuals didn't stop there. They were seeking to raise millions of dollars more in support of terrorism.

With the help of the Patriot Act provisions, these two terrorists financiers are now in federal prison, each serving 75 and 45 years in prison, respectively.

Without the provisions of the Patriot Act, we would not have been able to build and prove this case against these two master terrorist financiers.

BUCHANAN: Today, we met with the president and we talked about cases ranging from international terrorism to criminal activity throughout our country. We talked about narcotics trafficking cases. We talked about child exploitation and domestic terrorism.

Section 212 of the Patriot Act was used in Western Pennsylvania -- and I am Mary Beth Buchanan, the U.S. attorney for Western Pennsylvania -- we used Section 212 of the Patriot Act to rescue a 13-year-old child who had been taken from her home in Pittsburgh and abducted by a 38-year-old child molester.

Without the Patriot Act, we would not have been able to get critical information that we needed from an Internet service provider, who in the middle of the night was able to give us information on an emergency basis to help us to rescue this child from her captor's home in Virginia.

We also talked about a domestic terrorism case involving an imperial wizard of the Ku Klux Klan who had obtained explosive bombs and devices, and he planned to obtain hand grenades and blow up abortion clinics.

Without the Patriot Act, we would not have been able to get a wiretap to get evidence against this individual to successfully prosecute him.

As you can see, the Patriot Act is extremely vital to United States attorneys across the country to protect our nation from terrorism and from criminal activity of every type.

At this time, we're happy to take your questions.

QUESTION: The administration has portrayed this as somewhat of a partisan debate. And, obviously, all of you are here in support of the provisions in question. Do you feel like there are any legitimate issues when it comes to some of these provisions, that they go beyond the protection of civil liberties, that some of your colleagues who aren't here do have a legitimate case to bring up those concerns?

BUCHANAN: We support the conference report. We believe that this report gives us the adequate tools that we need to investigate terrorism and to protect the people from criminal activity. We believe that this provides adequate safeguards in every respect, and we fully support this report. And we would ask Congress to enact this legislation and to make the Patriot Act permanent to give us the tools that we need.

QUESTION: Is there anything in the Senate bill that would make that version unworkable from your perspective?

WAINSTEIN: We're just going to say that as to the conference report, we support it fully. We support the tools it provides, how it builds on the original Patriot Act and the safeguards that are included in it, and we're fully in support of it.

QUESTION: I have a question for Debra Wong Yang. When the Patriot Act was originally passed in 2002, it beefed up the FISA court. It streamlined it. It tripled the amount of time that was available from 24 to 72 hours for prosecutors who had to go to the FISA court to get the permission for wiretaps. It (inaudible) there were a number of ways in which it strengthened and streamlined and made more agile the FISA court.

Does the president's willingness to go around the FISA court since then bypass the FISA court and entirely make it more difficult to pass this reauthorization, in your opinion, of the Patriot Act? Has the Patriot Act addressed the problems that you all as prosecutors had with FISA courts?

YANG: Well, I think that the Patriot Act does address all the problems that we need to and with all the changes and safeguards. I mean, there are other mechanism that are in place because we are in the midst of doing a number of things and looking at a number of individuals.

I don't want to say, in particular to that particular issue. But with respect to the Patriot Act, I don't think it's harmed us at all. In fact, his support has been a great -- I guess a great thing that we can use in trying to fight the war on crime in all aspects.

QUESTION: Are you as a prosecutor comfortable with the notion of warrantless wiretapping that on one end involves somebody who's an American citizen or somebody in the United States?

YANG: I think that there are certain things that we need to do, given the time and the place that are in history, if we want to protect our country and we want to do it adequately.

QUESTION: Was there any discussion of that issue in your meeting with the president?

YANG: I'm not at liberty to answer that, sir.

QUESTION: I'm sorry?

YANG: I'm not at liberty to answer that.

QUESTION: Can I ask (inaudible) from the White House, Fran Townsend invited you down, (inaudible)?

WAINSTEIN: We coordinated this through the Department of Justice. We talked to them last week and we were all very grateful to have this indication and to have the opportunity to talk to the president about our concerns about how important the Patriot Act is to us and our colleagues at the U.S. Attorneys Offices.

QUESTION: Did you reach (inaudible) at the Justice Department?

WAINSTEIN: It was just -- I got an e-mail from the folks in the department who arranged things, and I called back and we got it all set up just as we set up any meetings.

QUESTION: Can I ask why you feel like you're not at liberty to talk about whether the issue of (inaudible) surveillance program was talked about? Why do you not feel free to talk about that?

(UNKNOWN): (OFF-MIKE)

WAINSTEIN: Let's just say we're here today to talk about the Patriot Act. It's very important to our operations. We're focused on that. We want the country to be focused on it. We want the government to be focused on it. We want Congress to be focused on it.

So we really want to stick with the Patriot Act and how important it is to us.

Thank you.

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