

Testimony of

The Honorable Patrick Leahy

May 20, 2003

Today's hearing focuses on "narco-terrorism." We can all agree that it is a laudable goal of the United States to rid itself of any illegal source of money through which terrorist organizations are funded. Moreover, the problem of illegal drugs and the ravages of untreated drug addiction give us reason enough to battle drug trafficking. As a former prosecutor, I recall the tentacles of drug use and distribution that attack all aspects of our society.

As this Committee considers one important terrorism issue, it is impossible to ignore last Friday's disturbing Knight Ridder report that the Justice Department has camouflaged routine prosecutions as terrorism cases. In January, the General Accounting Office reported that, for fiscal year 2002, three-fourths of all so-called "terrorism convictions" by the Justice Department were wrong in that they were not terrorism convictions at all. And, in the first 2 months of this year, the Justice Department purported to file terrorism charges against 56 people - though again at least 41 have nothing to do with terrorism cases - a fact the line prosecutors acknowledge. This is cause for great concern and reason enough to have the Attorney General return to testify before this committee.

I look forward today to discussing something that will help in the fight against terrorism consistent with the goals and policies of the USA PATRIOT Act. My concerns in this area are not new, having sponsored legislation for many years to strengthen federal prosecution and seizure of illegal proceeds of international drug dealing and criminal activity, to deter and punish international crime, to protect U.S. nationals and interests at home and abroad, and to promote global cooperation against international crime. Indeed, I supported Section 2339C of the USA PATRIOT Act that for the first time specifically established felony offenses for providing or collecting funds for terrorists.

To assist in curbing the influx of drugs to the United States and stopping the flow of money used to finance terrorist activities, we must provide both support and scrutiny to our federal agencies charged with this responsibility. This Committee should use its oversight power to examine closely the administration's efforts in this area. What tools provided by the USA Patriot Act are being used, and to what effect? Despite repeated overtures, I have yet to be told whether and how many of the measures enacted in the USA PATRIOT Act - including new authority for the Secretary of Treasury to restrict or prohibit access to the U.S. financial system and punish those who aid in financing terrorist organizations - are being used. I am also concerned that the U.S. has not found a way to work consistently and effectively with other governments and private entities in the common fight against terrorism.

I hope this hearing will also address the recent criticism of the Council on Foreign Relations, in cooperation with the Markle Foundation, that the administration has not yet developed a clear, consistent strategy that unites anti-drug and counter-terrorism policy. I hope our witnesses explain why the FBI continues to reassign hundreds of agents from drug enforcement to counter-terrorism, when they believe that drug profits are fueling terrorist activities. Mr. Casteel of the DEA has openly and correctly stated that his agency is not an anti-terrorism organization - I am curious whether the DEA is receiving the support and information it needs from the FBI and other agencies that do have an antiterrorism mission. There continue to be conflicting reports in the press and among administration officials whether drug trafficking is a major funding source for terrorist networks other than Colombia's FARC. Indeed, Administration officials who provided briefings before this hearing even said there was no defined link between extremist groups such as Al Qaeda and Hizballah, and drug trafficking.

"Narco-terrorism" must not become a catchphrase that justifies throwing money and resources at policies that have little or nothing to do with reducing drug abuse or protecting the national security. Decisions about involvement in other nations' affairs must be made with great care. As I have said in discussing Plan Colombia, we must be ever mindful of crossing the line from counter-narcotics to counterinsurgency. Even in nations where we have tremendous influence and a physical presence, such as Afghanistan, we are confronted with limits to our power. The DEA reports this year that Afghanistan returned to its former position as the world's largest producer of illicit opium in 2002 despite a so-called ban on poppy production in 2001 and DEA's prediction in December 2001 that this drug market could be eliminated. Despite our presence in Afghanistan, is increased poppy production a sign of problems to come here?

What can and should the U.S. be doing to reduce the demand for heroin, especially among our youth? These are the questions that need answers.

I hope this hearing provides an opportunity for the Committee to learn what our law enforcement agencies are doing in their mission to combat terrorism and preserve national security. I would particularly like to thank Senator Biden for serving as the Ranking Member for this hearing, and for his long involvement in narcotics issues.

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