

FEDERAL BUREAU OF INVESTIGATION

OPENING STATEMENT

March 17, 2010

Alan B. Mollohan, Chairman

Good afternoon. The Subcommittee would like to welcome Robert Mueller, Director of the Federal Bureau of Investigation, to discuss the FBI's 2011 budget request and related issues. We are pleased to have you and thank you for your time.

The FBI's budget request for 2011 totals nearly \$8.2 billion. Within such a large total, there are clearly many programmatic and policy issues to cover. Too many, in fact, for any one hearing to cover exhaustively. But I do hope that we can use this opportunity to focus on at least a few areas of highest priority.

The first of these areas, for me, is white collar crime. Our economy has suffered billions of dollars in losses due to the illegal or immoral behavior of individuals who capitalized on weaknesses in the regulatory and enforcement system to profit at the expense of shareholders, investors, homeowners, workers and taxpayers.

While many firms on Wall Street have recovered and are, in fact, making substantial profits again, there are millions of regular Americans who are still hurting and have yet to see any real justice for the economic violence that was perpetrated on them. I am glad to see that this Administration has recognized the error of past practices and is now proposing to invest in your fraud enforcement programs rather than raiding those resources year after year to pay for other priorities. This is the priority now. What remains to be determined is whether the size of this investment is sufficient for the size of the problem. Your budget request proposes to add 62 new agents for white collar crime, but stacked up against

thousands of active cases and billions of dollars in losses, that seems rather small. I am anxious to discuss this issue with you further.

A second area of concern for me is law enforcement in Indian Country. This subcommittee has heard many times and from many different people how desperate the law enforcement situation in Indian Country really is. Unfortunately, it's not obvious exactly how to solve this problem—will clarifications to the jurisdictional construct help? Will more agents, or more prosecutors, or better evidence processing capabilities do the trick? Do we need to focus on building community trust between the tribes and Federal law enforcement entities, or on significant substance abuse problems among tribal populations? I'm sure that these are all elements of the solution, and the key is to find the right mix of those elements. Your budget contains some resources to address one part of this mix, and that request is welcomed. For too long the FBI has failed to request the resources necessary to improve its presence in Indian Country or to follow up aggressively on the execution of existing funds to make sure that the resources you do have are actually reaching the Native American communities for which they were intended.

A final area that I think needs to be addressed at this hearing is the treatment of terrorism suspects apprehended within the US. This issue emerged as a major subject of debate after the arrest of Umar Farouk Abdulmutallab in December, when a whole spectrum of public figures alleged that the FBI's provision of Miranda warnings to Abdulmutallab was unnecessary or misguided.

I would like to discuss with you how the FBI's handling of this case may be similar to, or different from, your handling of comparable cases both in the previous administration and the current one. In order to do that, I think you will

need to go back over the facts of the case by addressing who conducted Abdulmutallab's interrogation; how the FBI kept its interagency partners informed about what was happening; what legal process was followed during the course of the interrogation; and what kind of cooperation Abdulmutallab provided.

Beyond just the facts of this one particular case, I believe it would also be helpful to review the overarching legal framework in which your agents operate. I don't think we can fully understand and form opinions about the actions that your agents may have taken without first understanding the legal or policy constraints that guide their behavior. As a result, I intend to ask you about constitutional or other legal requirements related to the provision of Miranda warnings to suspects, as well as the lawful authority that may or may not exist to take a suspect apprehended domestically and transfer him out of the civilian justice system into the custody of another agency like the CIA or the military.

Finally, I would like to better understand the practical implications of providing Miranda warnings and other constitutional rights to terrorism suspects. There has been a considerable amount of discussion about whether the provision of Miranda warnings to Abdulmutallab discouraged his cooperation with investigators, and I am interested in your perspective on that issue.

I intend to pursue these topics in more detail during our rounds of questioning. I also hope to address some newly emerging problems with the development of the Sentinel case management system. This is a critical effort, and one that absolutely must succeed in order for the FBI to fully bring its investigative technology into the new century. Before we get into these issues, however, I would like to recognize our ranking member, Mr. Wolf, for his own opening statement.