

United States Senate

WASHINGTON, DC 20510

July 18, 2005

The Honorable Alberto Gonzales
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

Dear Attorney General Gonzales:

President Bush in two speeches in June referred to a number of instances in which the Justice Department successfully used the Patriot Act to investigate and prosecute terrorists and their facilitators. With sixteen provisions of the Patriot Act scheduled to sunset at the end of this year, Congress must assess the Act's effectiveness and consider possible modifications. To that end, we need as much information as possible about both the successes and shortcomings of the Act. We write to obtain additional information regarding the Department's use of the USA PATRIOT Act in the cases cited by the President.

The President specifically pointed to several cases in which he said the Patriot Act was successful in investigating and prosecuting terrorist suspects. The President did not explain which provisions of the law had been utilized in those cases, aside from a few references to "information sharing." As you know, some provisions of the Patriot Act are controversial, while others are not. As we consider reauthorization of the sixteen provisions that sunset, it is important to understand precisely which provisions of the Patriot Act were relied upon in the cases cited by the President, and what the results of those investigations were.

We respectfully request that you explain which sections of the Act were used to investigate or prosecute the following individuals and cases cited in President Bush's speeches, and how the powers afforded by these sections contributed to the investigations or convictions. Also, please identify each person investigated and/or convicted in each instance, including the criminal charge and sentence. If any of the information responsive to this request is classified, please provide a separate classified annex to be made available only to individuals with the proper clearances.

- Iyman Faris. President Bush, June 9, 2005: "After Faris returned to the United States, federal investigators used the Patriot Act to follow his trail. They used information-sharing provisions to piece together details about his time in Afghanistan and his plan to launch an attack on the United States. They used the

Patriot Act to discover that Faris had cased possible targets in New York and that he had reported his findings to Al Qaida.”

- Lackawanna Six. President Bush, June 10, 2005: “Then Congress passed the Patriot Act, and the two sides [investigating the Lackawanna Six] started sharing information. ... And as a result of information sharing, the agents discovered that the suspects had attended an al Qaeda training camp in Afghanistan. The prosecutor used the information to build a convincing case, and today all six of the Lackawanna folks are in federal prison. In other words, the Patriot Act worked.”
- Al Qaeda Drugs-for-Weapons Plot. President Bush, June 10, 2005: “The information-sharing provisions in the Patriot Act helped Carol [Lam] and her team connect the dots in an al Qaeda drugs-for-weapons plot. They put together such a strong case that two defendants admitted their plans to sell drugs for Stinger missiles, and then sell those missiles to the Taliban. They’re now in prison thanks to Carol’s good work, and thanks to the ability for prosecutors and law enforcement to use the tools of the Patriot Act to better protect the American people.”
- Virginia Jihad Network. President Bush, June 10, 2005: “Rob Spencer is the Assistant U.S. Attorney for the Eastern District of Virginia; he worked with Paul McNulty, and used information obtained through the Patriot Act to lock up 10 men from the Virginia Jihad network. Some of those terrorists trained at camps in Pakistan, and hoped to attack American troops in Afghanistan. Information from the investigation has also helped lead to the prosecutions of terror suspects in Australia and Great Britain.”
- Terrorist Financiers. President Bush, June 10, 2005: “Kelly Moore is the Assistant U.S. Attorney of the Eastern District of New York. Kelly used information-sharing provisions in the Patriot Act to build a case against a terrorist bank-roller who had boasted about personally handing \$20 million to Osama bin Laden. They also busted another money raiser who planned to fund al Qaeda and Hamas. They were extradited to Germany and they were convicted of the charges in March of this year.”
- Terrorist Supporters. President Bush, June 10, 2005: “John Kavanaugh, FBI Special Agent in Florida -- John used the Patriot Act to help prosecutors pursue a case against three alleged terror supporters, for funding murders and kidnappings abroad. Two of them are now in federal custody, and the other is serving time overseas for terrorist activity.”
- Illinois Charity. President Bush, June 10, 2005: “Robert Shoemaker, FBI Supervisory Special Agent from Illinois -- Robert led the investigation that helped

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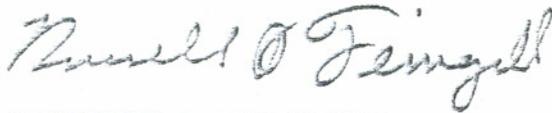
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close down a phony charity in Illinois that was channeling money to al Qaeda. Robert's efforts, combined with the information-sharing authorities in the Patriot Act, allowed prosecutors to build a case against a director of that sham organization."

The Patriot Act has significant implications for both the security and the civil liberties of all Americans. It is vital that we have a complete picture of how the Act has been used in the past three and a half years so that we can have a thoughtful and reasoned debate on the merits of reauthorizing or modifying it. Obtaining further details on each of these cases will be extremely helpful to that end. We appreciate your cooperation and expeditious response.

Sincerely,



RUSSELL D. FEINGOLD
United States Senator



RICHARD J. DURBIN
United States Senator