

From a House Hearing held Wednesday. The full exchange is pasted below:

HOUSE COMMITTEE ON THE JUDICIARY HOLDS A HEARING ON
OVERSIGHT OF THE FEDERAL BUREAU OF INVESTIGATION

APRIL 23, 2008

Key Lines:

1) MUSLIMS DO ASSIST LAW ENFORCEMENT

Mueller: "And every opportunity I have, I re-affirm the fact that 99.9 percent of Muslim-Americans or Sikh-Americans, Arab-Americans are every bit as patriotic as anybody else in this room, and that many of our cases are a result of the cooperation from the Muslim community in the United States."

2) MUELLER TAKES ELLISON'S POINT THAT PUBLIC UCC
DESIGNATIONS HURT LAW ENFORCEMENTS OUTREACH,
COOPERATION AND TRUST-BUILDING EFFORTS

ELLISON: That allows me to go on and ask my question. By naming all these 306 individuals and organizations as unindicted co-conspirators, naming them explicitly, what impact did that have on your effort to build better relations in the Muslim-American community?

MUELLER: I'm not certain it had any impact.

ELLISON: I mean, do you...

MUELLER: I have not heard about an adverse impact as a result of that particular case.

ELLISON: OK. Well, let me ask you this. I mean, there are groups on -- the groups that were named in there, there was no verdict against them, because they were unindicted, right?

I mean, do you think -- what kind of effect do you think -- message it sends to them, in terms of your ability to reach out to the community, gain cooperation, gain trust? Don't you think it might have a deleterious effect? Doesn't your common sense tell you that?

MUELLER: I understand what you're saying. I take your point.

ELLISON: Also, you know, in the Muslim community, America has a great Muslim community, several million people. And the post-9/11 world, there's been greater attention on this community. I'm sure you wouldn't dispute that.

My question is, how important are outreach efforts in the Muslim community, given that the overwhelming number of Muslims condemn, are opposed to terrorism, or would be happy to report on somebody who was committing, plotting terrorism? How important are outreach efforts into the Muslim community for the FBI?

MUELLER: Tremendously important. We have, since September 11th, in every one of our offices, every one of our field offices, we've had substantial outreach efforts. I'm sure you're familiar with them in your community.

We continue to have them both on the national, as well as in the state and the local level.

And every opportunity I have, I re-affirm the fact that 99.9 percent of Muslim-Americans or Sikh-Americans, Arab-Americans are every bit as patriotic as anybody else in this room, and that many of our cases are a result of the cooperation from the Muslim community in the United States.

One of the worst things that could happen in the Muslim community is we had another attack such as September 11th. Nobody wants it, whether it be ourselves in the FBI or those members of the Muslim community.

ELLISON: So thank you.

So let me just ask this. I mean, I know you're well aware that, in May 2007, prosecutors down in Dallas named about 306 individuals and groups as unindicted co-conspirators in the so-called HLF case.

To my knowledge, no one was convicted. And many people came within like 11 to 1 to get acquitted. And I'm sure you know the history of the case, am I right?

MUELLER: I believe that case is still in litigation.

ELLISON: It's still on litigation, but you know that there was -- the jury came back hung and that many of the verdicts were 11 to 1 to acquit. You know that? Not all the verdicts; many did.

MUELLER: I'm not -- I understood it was hung. I'm not certain that I'm familiar with the breakdown of the jury on any particular defendant.

ELLISON: But I don't want to get stuck in the weeds on the point. The fact is, 12 Americans sat in judgment of this case, listened to all the evidence, and didn't convict. You'd agree with that?

MUELLER: There was a hung jury.

ELLISON: That means there was no conviction. Come on, Mr. Mueller.

MUELLER: There was no -- there was no conviction.

(CROSSTALK)

ELLISON: That allows me to go on and ask my question. By naming all these 306 individuals and organizations as unindicted co-conspirators, naming them explicitly, what impact did that have on your effort to build better relations in the Muslim-American community?

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MUELLER: I understand what you're saying. I take your point.

ELLISON: And could you elaborate on what we do about this, given that it's arguable that these unindicted co-conspirators that were explicitly named, not kept under seal, but explicitly identified could well be in violation of DOJ policy, which I know you don't control? What would you -- do you think there is a better way to do this kind of thing?

MUELLER: All I can tell you, sir, is it's in litigation. And I am precluded from discussing it because it is in litigation.

ELLISON: Am I done?

CONYERS: Your time's up, but you can talk some more, if you would like.

ELLISON: OK, thank you.

You know, one of the questions that Representative Baldwin pursued was getting a tighter handle on this watch list process. I can't tell you how many people, most of whom are Muslim or have Arabic names, come to me, saying, "Wow, you know, I got humiliated, delayed, and it's often and it's common. I've never done anything other than try to be a good citizen."

What recommendations do you have for us that would help us, one, protect America and, two, tailor this watch list in a way that doesn't sweep up all these people who have done nothing wrong, other than just try to be good Americans?

MUELLER: Each agency has a redress officer and a redress office. So the recommendation is to file the application with the redress office.

ELLISON: But, Mr. Mueller, you would agree with me that that's pretty cold comfort to somebody who's been delayed for three hours from their flight and everything they had to go do. We need a better process than just call the redress office.

And I guess I was hoping, given that your commitment to outreach and all, that you'd be a little bit more willing to explicitly talk about things we could do to offer legislation to tailor a watch list. Are you telling me just go to the office and that's it?

MUELLER: Well, we have set up a redress process. I'm always open to suggestions on how it can be improved. But it seems to me that you definitely need a redress process.

I'm not disagreeing about the frustration of being held up for three hours.

ELLISON: But you've heard it.

MUELLER: I agree with you. But we've put in place a redress process, and I'm always open to suggestions as to how to make that redress process better.

ELLISON: How would it compromise national security to be able to have people ask if they're on it and, if they are, to have some kind of process to set forth evidence to demonstrate that they should be off of it?

MUELLER: And that's part of the redress process, as I understand it.

ELLISON: But am I wrong? I could be wrong. I thought if you asked if you were on it, you might not even be told whether you're on it or not.

MUELLER: You may not be. But there is a redress process.

ELLISON: How many people have been taken off the watch list since '01?

MUELLER: I believe -- I'm not certain. I'd have to get back to you.

ELLISON: You know, is there a chance that what we have here is government workers who are like, "Look, I'm going to err on the side of just putting everybody on it because I don't want to be the one who didn't put somebody on it who maybe I should have, so I'm going to have a very, very low bar to put somebody on this list," which they practically can never really get off of, notwithstanding the redress process?

MUELLER: No, I think there is a technical basis for going on the terrorist screening center watch list. And you have to meet certain criteria.

ELLISON: Is that published?

MUELLER: I'm not certain it is. I don't believe it is.

ELLISON: Could I... MUELLER: But there is a criteria.

(CROSSTALK)

ELLISON: ... published?

MUELLER: I would have to get back to you on that.

ELLISON: OK, so you don't know what the criteria is, right, right now?

MUELLER: Right offhand, I don't know all the criteria. I can't...

ELLISON: What are a few of the big ones?

MUELLER: Pardon?

ELLISON: What are a few of the big ones?

MUELLER: It's based on the evidence that you have in our files to determine whether or not there has been an association with terrorism.

ELLISON: Does the person who's been watch-listed have an opportunity to challenge those things?

MUELLER: I'm not certain. I don't believe so, because you would not be exposed to the information we have.

ELLISON: Right. So if you're on the list, then you say, "Look, I shouldn't be on this list," but you're not told why you're on the list, so you can't really rebut why you're on the list. Wouldn't you call that defect in the redress process?

MUELLER: Well, again, I'd be happy to have the persons responsible for the watch list sit down with you and explain in more detail how we handle the watch list.

Often, it happens that the name is similar to another name. And through the redress process, we get identifiers and identify you as being an individual who may have the same name as somebody on the watch list, but because of the identifiers, your particular name is no longer associated with the name on the watch list.

ELLISON: Mr. Mueller, I want to work with you to narrow and tailor this watch list process.

MUELLER: Yes, sir.

ELLISON: And we want everybody who's supposed to be there should stay on. But a lot of the people who shouldn't be, I'm hoping we can get them off.

MUELLER: Thank you, sir.

ELLISON: Thank you.

I yield back.