

July 27, 2005 Hearing of the Senate Judiciary Committee on Oversight Of The Federal Bureau of Investigation

Chaired By: Senator Arlen Specter (R-Pa)

Witnesses: Robert Mueller, Director of the FBI; Glenn Fine, Inspector General, Department of Justice; Lee Hamilton, Former Vice Chairman, National Commission on Terrorist Attacks upon the United States; John A. Russack, Program Manager, Information Sharing Environment, Director of National Intelligence; William H. Webster, Former Director Of The FBI

Location: 226 Dirksen Senate Office Building, Washington, D.C.

Excerpt:

MR. MUELLER: Relevant to an investigation. And I will tell you, we had an example a couple of weeks ago, in the wake of the bombings in the U.K. We had an example of a case in which an individual, who was associated with the room that was believed to be the room in which the bombs were constructed, was no longer in that area. But whenever we find out -- this was up in Leeds, in the wake of the July 7th bombings in the U.K. And we had an occasion in which we believe this individual had been to the United States; had gone to a college in the state in the United States. The person has expertise in chemistry that would enable that person to construct these bombs. We went to the university with a national security letter. They declined to produce the documents pursuant to a national security letter. We had to, because there was a case that was aligned to it, we had to go back with a grand jury subpoena.

Now, in my mind, we should not, in that circumstances have to show somebody that this was an emergency. We should've been able to have a document, an administrative subpoena that we took to the university and got those records immediately. The other point I would make --

SEN. FEINSTEIN: Here, let me stop you --

MR. MUELLER: -- ma'am, if I could --

SEN. FEINSTEIN: If you will just allow me, because I think this is really important for many of us, Mr.

Chairman. Why would you --

SEN. SPECTER: Senator Feinstein, take a few more minutes here. You have been at the core of this problem in both Intelligence and on this committee.

SEN. FEINSTEIN: Thank you very much.

Then -- why would you object to a DOJ sign-off A, on emergency and B, on the relationship to an investigation? I don't understand that.

MR. MUELLER: Because I believe that the special agent in charge -- there should be --

SEN. FEINSTEIN: It's not going to slow anything down.

MR. MUELLER: -- there should be a level of review, and my belief -- the review should be the special agent in charge. In this particular case, it resulted in a two-day delay. And the other point that I would make out with administrative subpoenas -- it is different (with ?) an NSL, and that is that the recipient of the subpoena has the right to go into court and challenge it.