

THREATS AND RESPONSES: THE JUSTICE DEPARTMENT; Ashcroft Seeks More Power To Pursue Terror Suspects

The New York Times

June 6, 2003 Friday, Late Edition - Final

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Section: Section A; Column 1; National Desk; Pg. 1

Length: 1009 words

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Dateline: WASHINGTON, June 5

Body

Attorney General John **Ashcroft** today defended the **Justice Department**'s detention of hundreds of illegal immigrants after the Sept. 11 terrorist attacks and urged Congress to give the authorities still greater **power** to **pursue** terrorism **suspects**.

Mr. **Ashcroft**, in five hours of testimony before the House Judiciary Committee, made his first public comments on a report from his inspector general that criticized the **department**'s treatment of 762 illegal immigrants after Sept. 11. He said "we make no apologies" for holding **suspects** as long necessary to determine whether they had links to terrorism. In the end, none of the 762 **suspects** were charged as terrorists.

"Al Qaeda is diminished but not destroyed," Mr. **Ashcroft** said. He said the nation "must be vigilant."

We must be unrelenting," he said. "We must not forget that Al Qaeda's primary terrorist target is the United States of America."

Mr. **Ashcroft** told lawmakers that the authorities need still greater **powers** to track and **pursue** terrorists.

The USA Patriot Act, as the sweeping antiterrorism law that grew out of the Sept. 11 attacks is known, has sparked official votes of protest from **more** than 100 communities around the country because of civil liberties concerns. But Mr. **Ashcroft** said the law does not go far enough and "has several weaknesses, which terrorists could exploit undermining our defenses."

Mr. **Ashcroft**, a strong proponent of capital punishment, said the penalties for some terrorism-related crimes should be toughened to include the death penalty. He also urged Congress to allow the authorities to detain terrorism **suspects** before trial without bond and to clarify what constitutes illegal "material support" of terrorists, the standard the **Justice Department** has used against **terror suspects**.

"We must make it crystal clear that those who train for and fight with a designated terrorist organization can be charged under the material support statutes," he said.

Mr. **Ashcroft**'s lengthy and impassioned defense of the **Justice Department**'s counterterrorism campaign and his push for greater authority met with strong endorsement from many, but not all, of the Republicans on the judiciary panel.

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Representative F. James Sensenbrenner Jr., the Republican chairman of the panel, said that while the Justice Department had made impressive strides in fighting terrorism, he remained concerned about the potential threat to civil liberties posed by the long reach of counterterrorism efforts.

"To my mind," Mr. Sensenbrenner said, "the purpose of the Patriot Act is to secure our liberties and not to undermine them."

Just last month, the Senate rebuffed efforts by senior Republicans to make permanent some critical provisions of the Patriot Act that are to expire in 2005. The concerns raised by Mr. Sensenbrenner, and echoed in even stronger terms by virtually all the Democrats on the panel, signaled that Mr. Ashcroft may face a tough sell in seeking to broaden the Justice Department's authority to pursue terrorists.

"Some of us find that the collateral damage may be greater than it needs to be in the conduct of this war," said Representative Howard L. Berman, Democrat of California.

Democrats said they were particularly concerned about the report released on Monday by Glenn A. Fine, the Justice Department's inspector general. The report found "significant problems" in the way the authorities arrested and treated hundreds of illegal immigrants as part of the Sept. 11 investigation. The report found that the authorities had made little effort to distinguish real terrorist suspects from those who became ensnared by chance in the investigation. Many suspects were jailed for months, often without being formally charged or given access to lawyers, and some inmates in Brooklyn were physically and verbally abused before they were cleared of any terrorist ties, the report said.

While the report drew no conclusions about the legality of the Justice Department's actions, Representative Robert C. Scott, Democrat of Virginia, suggested that the denial of the detainees' civil rights and evidence of physical assaults by Justice Department employees might have risen to the level of criminal conduct.

The congressman asked Mr. Ashcroft whether he planned to appoint an outside counsel to investigate the accusations further, but the attorney general responded that "I have no plan at this time to employ a special counsel in this matter."

Mr. Ashcroft said the department's civil rights division had investigated 18 complaints of abuse by guards against immigrant prisoners and had found in 14 cases that there was not enough evidence to bring criminal charges. Four investigations are pending.

"We do not stand for abuse," he said.

Mr. Ashcroft said he also wished that the department could have resolved cases against many of the 762 illegal immigrants more quickly.

"God forbid, if we ever have to do this again, we hope that we can clear people more quickly," he said. "We'd like to clear people as quickly as possible. There's no interest whatsoever that the United States of America has in holding innocent people, absolutely none. It's costly. It takes up resources that makes it difficult for us to do what we need to do with other people who are threats."

But Mr. Ashcroft stressed repeatedly that he believed the policy of detaining people for as long as it took to clear them of terrorist ties was the right one, and he said that several illegal immigrants did have terrorist connections that are still considered suspicious. One suspect was the roommate of one of the Sept. 11 hijackers, and another was found with "jihad material" and more than 30 pictures of the World Trade Center, Mr. Ashcroft said.

Mr. Ashcroft said past data showed that people who were facing deportation and were released from custody on bond fled about 85 percent of the time, and he said he was not willing to take that risk with the suspects apprehended after the Sept. 11 attacks.

"We had had to balance the risk," Mr. Ashcroft said. And in doing so, he added, "we did not violate the law."

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Graphic

Photo: Attorney General John **Ashcroft** testified yesterday before the House Judiciary Committee, asking that the Patriot Act be strengthened. (Doug Mills/The New York Times)(pg. A15)

Classification

Language: ENGLISH

Publication-Type: Newspaper

Subject: TERRORISM (96%); SEPTEMBER 11 ATTACK (91%); TERRORIST ATTACKS (90%); ILLEGAL IMMIGRANTS (90%); TERRORIST ORGANIZATIONS (90%); LAW ENFORCEMENT (90%); US REPUBLICAN PARTY (89%); POLITICAL PARTIES (89%); COUNTERTERRORISM (89%); **JUSTICE DEPARTMENTS** (89%); US PATRIOT ACT (89%); HUMAN RIGHTS & CIVIL LIBERTIES LAW (88%); CAPITAL PUNISHMENT (86%); POLITICAL DETAINEES (78%); AL-QAEDA (78%); CRIMINAL OFFENSES (78%); ATTORNEYS GENERAL (78%); TALKS & MEETINGS (77%); LEGISLATIVE BODIES (77%); ASSOCIATIONS & ORGANIZATIONS (77%); US DEMOCRATIC PARTY (73%); TESTIMONY (72%)

Organization: AL-QAEDA (91%); US **DEPARTMENT OF JUSTICE** (91%); AL QAEDA (TERRORIST GROUP)

Person: F JAMES SENSENBRENNER JR (77%); LICHTBLAU, ERIC; **ASHCROFT**, JOHN (ATTY GEN)

Geographic: UNITED STATES (93%); UNITED STATES

Load-Date: June 6, 2003