

JUSTICE NEWS

Remarks by Assistant Attorney General Brian A. Benczkowski at the Criminal Division's 100th Anniversary Celebration

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Remarks as prepared for delivery

Good afternoon. I am honored to welcome you to this celebration of the 100th anniversary of the Criminal Division.

Much has changed in our Division's 100-year history. 1919 – the year the Division was created – marked the beginning of Prohibition. Congress sent the 19th Amendment granting women the right to vote to the states for ratification. Babe Ruth was traded from the Red Sox to the Yankees, setting in motion one of the longest curses in professional sports history.

The Criminal Division was created that year with little fanfare. We warranted a short mention in the 1919 Report of the Attorney General noting only that the Division had been assigned “criminal matters arising under Federal laws.” In those early years, our ranks reportedly consisted of one Assistant Attorney General, six lawyers, seven stenographers, and a secretary. It truly was the era of small government.

The history of the Criminal Division, to date, has spanned 18 U.S. Presidents. And in that time, we have seen seismic changes in the law, in America, and in the world. Little could our predecessors have foreseen back in 1919 that it would be another nine years before the discovery of penicillin; another 35 years before the abolition of school segregation; another 50 years before man walked on the moon; and at least 80 years before the Internet began to flourish. Landmark criminal decisions like *Gideon v. Wainwright*, *Miranda v. Arizona*, and *Katz v. United States* had yet to be decided – and would not reach the Supreme Court for another near-half-century. The Criminal Division docket in those early decades included enforcement of statutes like the Filled Milk Act and the Migratory Bird Treaty Act, not ECPA or the FCPA. And our earliest Sections were quite simply titled “Trial,” “Appellate,” and “Administrative” – apparently predating our now-pronounced penchant for unpronounceable acronyms.

Today, the Criminal Division has rightly earned a place at the vanguard of criminal enforcement and policy. Our lawyers – no longer outnumbered by stenographers! – number over 640. We have over 970 dedicated employees, several of whom have served the Division for nearly 50 years.

We run on a yearly budget of over \$600 million, ably managed and administered by our Office of Administration, while the Division, all told, manages a staggering, more-than-\$5-billion in funds. We have 16 Sections that protect the American people from the most serious criminal activity, from transnational criminal organizations, violent gangs, and cybercrime, to child exploitation, corruption, fraud, and money laundering. And across the Division, we prosecute nationally significant cases, provide expert advice, monitor and approve the most sensitive law enforcement techniques, and engage our domestic and foreign partners to advance public safety.

A Legacy of Fighting Violent Crime

In the face of continuous change, one constant has been that the Criminal Division has always pushed itself to address the gravest ills of the era. Time and again, the Division has sought to do more, to serve more, and to better protect our fellow citizens from violent crimes and criminals.

We saw this when Martin Luther King, Jr. was assassinated in 1968. Dr. King's murderer, James Earl Ray, was charged in Tennessee but fled to England. Extraditions for state prosecutions then usually involved only the State Department, not the Justice Department. Yet the Division's Assistant Attorney General, Fred Vinson, Jr., took it on himself to personally travel to London to lay eyes on Ray's 8-foot-by-12-foot jail cell to ensure his custody was secure.

Division attorneys worked diligently to assist in Ray's extradition hearing. And Ray was ultimately extradited to Tennessee, where he was sentenced to a life behind bars.

We saw this with the Criminal Division's dogged efforts to identify, investigate, and take legal action against Nazi war criminals in the United States. Over decades, the Office of Special Investigations – part of today's Human Rights and Special Prosecutions Section – won cases against 107 participants in Nazi crimes of persecution, achieving some measure of justice for the victims of their inhumanity.

We saw this with the Division's aggressive, decades-long campaign against organized crime, including La Cosa Nostra. Our organized crime prosecutors have acted to protect citizens at the mercy of dangerous mafia turf wars and car bombings. And they have continued to deploy RICO prosecutions to disrupt criminal enterprises and gangs to this day, from the Crips and Latin Kings to the Aryan Brotherhood and MS-13.

We saw this in 2015, when this country witnessed the horror of a race-based massacre at Mother Emanuel Church in Charleston, South Carolina, where Dylann Roof murdered nine African Americans during a prayer service. Our Capital Case Section prosecutors – partnering with the U.S. Attorney's Office in Charleston and the Civil Rights Division – convicted Roof of 33 counts of federal hate crimes, obstruction of religious exercise, and firearms charges, rising to the occasion as they have in so many of the most heinous cases across the country.

And we saw this, time and again, with the Division's persistent efforts to target transnational drug cartels and their leaders responsible for terrible acts of violence and the mass importation of deadly substances on our shores. Our Narcotic and Dangerous Drug Section prosecutors – partnering with the U.S. Attorney's Offices in Brooklyn and Miami – landed a hard blow to the Sinaloa Cartel just yesterday, by sending "El Chapo" to a well-deserved life sentence (plus 30 years) behind bars.

El Chapo's reckoning at trial did not simply weaken a drug trafficking organization that pumped poison from Central and South America into the United States. It also brought to justice a notorious drug lord who, for decades – with hitmen or on his own – kidnapped, tortured, and killed members of rival drug organizations, and corrupted institutions in Mexico and the United States.

These snapshots reflect that our Division has a history it can be proud of – of acting to hold to account those who instill fear and danger in our communities.

New Forms and Fronts of White-Collar Crime

At the same time, the Criminal Division also continues to adapt and target new forms and fronts of crime. Nowhere has this been clearer than in the white-collar arena.

Our Fraud Section, established in 1955, has set the gold standard for how to prosecute large-scale economic frauds. Since the Foreign Corrupt Practices Act was passed in the 1970s, paving the way for companies and persons to be held criminally responsible for corrupt business practices abroad, our Fraud Section has not hesitated to hold major international companies accountable – from BAE Systems and Hewlett Packard to Siemens A.G. and Petrobras. Nor have our prosecutors blinked at investigating sophisticated frauds perpetrated by senior management of corporations as powerful as Takata or Volkswagen. And, as we stand here today – in the midst of the deadliest drug crisis in American history – our health care fraud prosecutors, including those on our new Appalachian Regional Prescription Opioid Strike Force, are having a real-world impact. Through cutting-edge data analytics and targeting of dirty doctors, our prosecutions aren't just saving taxpayers' hard-earned money, but American lives. Just this week, the CDC announced that drug overdose deaths in the United States fell in 2018 for the first time in nearly 30 years, attributable in part to the drop in opioid prescriptions. The Department will not rest in its efforts to hold corrupt medical professionals accountable until we drive down permanently the prescription and overdose rates across the country.

So too, our Money Laundering and Asset Recovery Section continuously stays ahead of ever-evolving financial tools and technologies in service of their broader mission of making victims whole and removing the profit from crime. MLARS attorneys have worked diligently to track and seize billions in criminal proceeds, including assets connected to corruption schemes around the world. And they have done so no matter how sophisticated or sprawling the matter, whether it be overseeing the remission of funds to Bernie Madoff's victims or aggressively pursuing today's 1MDB matter, which has been called the biggest financial scandal in history.

Our Public Integrity Section, itself created in the wake of Watergate in 1976, has taken on some of the toughest cases there are. From ABSCAM to the Jack Abramoff scandal to the Silk Road agent who stole from the very funds he was investigating, PIN has consistently affirmed the essential lesson that no one is above the law. Again and again, and while weathering dramatic changes in the landscape of campaign finance and public corruption laws, our prosecutors have shown legislators, judges, executive branch officials, and law enforcement officers alike that the Department of Justice will not tolerate breaches of the public trust.

And where high-technology crimes are concerned, the Division has never allowed criminals to outpace us: Our Child Exploitation and Obscenity Section, formed in 1987, has become the nation's experts in prosecuting crimes against children. From criminals who traffic minors for prostitution on classified ad platforms, to those who groom victims over online gaming or chat applications, CEOS's techniques have evolved with those of the criminals they prosecute.

Meanwhile, our Computer Crime and Intellectual Property Section, somewhat amazingly, was formed only in 1996 with a mere five attorneys. In 23 years, CCIPS has become a global leader in running complex investigations involving emerging technologies, and advising on novel and difficult questions surrounding electronic evidence. Our cyber prosecutors have chased down hackers behind some of the largest and most costly data breaches the world has seen, and dismantled dark web markets used to traffic in contraband, including the notorious AlphaBay in 2017. And CCIPS continues to work hard to target the theft of trade secrets from American businesses, including by foreign entities.

International Reach

The Criminal Division's tremendous reach is evident not just in the variety of crimes we prosecute, but in our global imprint. Today, the Criminal Division's presence is felt around the world.

The work of the Office of International Affairs, which handles all of our foreign legal assistance, extradition, and prisoner transfer matters, is more integral than ever in today's world. OIA works tirelessly to ensure that justice is done no matter where in the world a criminal is hiding. And as the schemes we target have become increasingly global, we find ourselves invariably building investigations with evidence and witnesses that span the globe.

In this context, working effectively with our foreign law enforcement partners has proven an absolute necessity. Both ICITAP and OPDAT have, for roughly three decades, led the charge in forging those international relationships in service of our law enforcement and national security objectives. ICITAP was on the ground in Panama in 1990 in the wake of Operation Just Cause, helping transition their military security force into civilian-led police forces. And ICITAP was the first civilian law enforcement development and training organization in Iraq after the U.S.-led invasion in 2003, helping train tens of thousands of Iraqis with coalition partners.

Meanwhile, OPDAT formed its first Resident Legal Advisor program after the breakup of the former Soviet Union, helping develop new Codes of Criminal Procedure to replace the inquisitorial system prevalent in many post-Soviet satellite nations. And OPDAT was on the ground in post-conflict Eastern Europe, providing critical capacity-building that helped countries like Bosnia, Serbia, and Croatia integrate into a democratic Europe. OPDAT's work in more than 50 countries today has enhanced the rule of law throughout the world.

Expert Guidance and Advice

Now, of course, for all of the significant matters we prosecute and jurisdictions we support, the Criminal Division is not "the field." We get a hard time, sometimes, from "the field" – for whom each Justice Manual consultation or approval requirement can sometimes be a burden.

But contrary to a common misperception, we do not supervise the 94 U.S. Attorney's Offices. As the leadership at Main Justice learns in every administration, some of those offices are completely ungovernable. But to be clear, we never have tried. Instead, as President Calvin Coolidge wrote in 1929, our Division gives, "when necessary, advice and instruction to United States attorneys in various districts." And since our inception, we have taken that mission of "advice and instruction" to heart. We partner with our U.S. Attorney counterparts, helping to guide their efforts where we have special expertise, and lending assistance as a force multiplier where we can.

There are no better ambassadors for that cooperative relationship with "the field" than our Appellate Section and the Office of Enforcement Operations.

Since 1952, our Appellate Section has travelled the country protecting criminal convictions on appeal – convictions won not just by the Criminal Division, but largely by AUSAs across the country. Remarkably, their involvement is not merely tolerated by our 94 U.S. Attorney’s Offices, but actively solicited. Because not only do our Appellate attorneys bring sober analysis to every request to appeal an adverse decision; not only does their guidance convince us that “everything will be ok” each time a Supreme Court decision sows uncertainty; but their very participation provides reassurance that we have the best of the best legal minds helping our prosecutors avoid traps that could needlessly let criminals go free.

Since 1979, OEO has likewise provided crucial expert assistance to the field. Though you will not see its name in the news – and rarely in press releases – OEO provides careful and conscientious oversight of the use of the Department’s most sensitive investigative tools, and to date, has reviewed nearly 75,000 requests for interceptions under the Title III Wiretap Act. And as we have moved from the era of landlines and pay phones to cell phones and now apps and email, OEO has remained at the forefront of ensuring our vigorous defense against the legal and technological challenges to those critical tools.

We likewise see the Division’s broader service to the field through the long-term contributions of our Office of Policy and Legislation. For the past 35 years, OPL has shaped the federal sentencing guidelines that are such a fixture of our cases. And as the Federal Rules of Criminal Procedure have been refined to keep pace with new technology, greater international practice, and other developments, OPL has consistently served as a voice for our prosecutorial equities.

Notable Individuals

The past 100 years of Criminal Division history is more than just a list of accomplishments. The strength of the Criminal Division has always been its people, who represent the very best of the best public servants in the federal government.

I think of American heroes like “Wild Bill” Donovan, who headed the Division in the 1920s. Donovan went on to lead the Office of Strategic Services and help create the CIA, earning his moniker as the “Father of American Intelligence.” Donovan also had the distinction of being singled out in a speech by Hitler when the Nazi declared war on the United States, calling Donovan “utterly unworthy.” Yet Donovan has a legacy of being quite the opposite. Among other accomplishments large and small, including heroic service in World War I, Donovan urged President Roosevelt not to intern Japanese-Americans during World War II, arguing that it would address a problem that did not exist and also unduly harm loyal Americans. The Supreme Court’s aberrant decision in *Korematsu* aside, I think we can all agree that Donovan got that one right.

I think of pioneers like “Bea” Rosenberg, one of the first – if not the first – female attorneys in the Division. Rosenberg, who joined the Appellate Section in 1943, went on to argue more than 30 cases before the Supreme Court – a record for female advocates that went unsurpassed until recently. She oversaw the drafting of briefs in landmark cases like *Miranda v. Arizona* and *Terry v. Ohio*, and served the Section for almost 30 years. I am proud to have announced the creation this past March, during Women’s History Month, of the Bea Rosenberg Memorial Award. And I am thrilled that Patty Stemler, our Appellate Chief, who herself has carried forward Bea’s legacy and served the Division for 37 years, will be chairing that award committee.

I also think of legends like Henry Peterson, a career prosecutor who led the Organized Crime and Racketeering Section in the 1960s and headed the Division in the 1970s. Peterson was famously guided by the question “What is the correct decision?” rather than “How will it play?”

I think of lifelong public servants like Jack Keeney, who served under 12 Presidents and 23 Attorneys General, at various points as Deputy Chief of OCS, Chief of Fraud, and Acting Assistant Attorney General. Mr. Keeney was a true giant in this institution.

I think of David Margolis – our former OCS Chief, and the namesake of a certain 4th floor conference room bearing an unusual hodgepodge of baseball bats and Elvis photos. Described by former Deputy Attorney General James Cole as a “guy with hair down to his shoulders, cowboy boots, a pink leisure suit and nicotine stains on his fingers,” Margolis was as deeply respected as he was colorful. Like many, I miss his presence here every day.

And I think of distinguished employees like Lois Bundy, the longtime Personnel Chief who was with the Department for over three decades. She exemplified the commitment, interpersonal skills, and keen judgment of the administrative

support staffers that have dedicated their lives to keeping the engines running and the lights on no matter the times.

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The legacies of our notable alumni are a tribute to all of you. They reflect the ideals of service and purpose that drew each of us to the jobs we have. They are a reminder that the Criminal Division is truly a force for justice, with responsibilities and reverberating impact that will outlast us all in the years and decades beyond.

And they are a call to celebrate: On this day commemorating 100 years of the work of the Criminal Division, I want to personally thank each and every one of you for your contributions to the success of our common cause.

It is truly the greatest honor of my professional career to be able to carry the ball for a little while atop this important institution. But I come to the job every day recognizing that my place in the broader universe is relatively small and my time here relatively brief. It is your important work every day, year after year, that is truly remarkable.

Thank you.

Speaker:

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Topic(s):

Public Corruption

Component(s):

Criminal Division

Criminal - Public Integrity Section

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