



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

JUL 11 2005

The Honorable William D. Delahunt
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Delahunt:

We are writing in response to your letter, dated May 4, 2005, regarding Luis Posada Carriles. As you are no doubt aware, since you wrote your letter, Luis Posada Carriles has been arrested by U.S. authorities and he currently remains in custody pending further proceedings before an Immigration Court.

As you know, long-standing Department of Justice and Federal Bureau of Investigation policy prohibits me from commenting on whether or not an investigation into the activities of Mr. Posada is being conducted. This policy aids the integrity of our criminal justice system by helping to ensure that premature comments do not affect any legal proceedings which are under way or which might arise in the future.

However, in response to your specific question regarding the illegality of providing financial and material support to terrorists, we will attempt to provide some clarification. In carrying out their counterterrorism missions, the Department of Justice and the FBI utilize any and all statutes available under the law. In addition to the material support statutes, which we will discuss in more detail below, criminal statutes such as conspiracy, money laundering, identity theft, and immigration fraud, to name a few, are often used to disrupt potential terrorist activity.

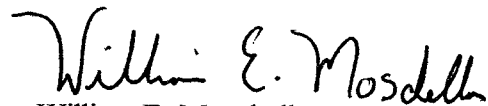
As to the material support statutes, Title 18, United States Code, Section 2339A, enacted in 1994, makes it a crime to knowingly provide support or resources to individual terrorists or groups engaged in terrorist activity. This statute is frequently used in conjunction with Title 18, United States Code, Section 956, which makes it a crime for anyone within the jurisdiction of the United States to conspire with anyone else, wherever they may be, to kill, kidnap, maim or injure persons, or damage property in a foreign country.

However, another frequently used material support statute, Title 18, United States Code, Section 2339B, would only be applicable if Mr. Posada or those who may have assisted him provided material support to a designated foreign terrorist organization (FTO). Related statutes under Title 50 make it a crime to engage in financial transactions with Specially Designated Global Terrorists (SDGT). Mr. Posada is not an SDGT.

Please be assured that the Department of Justice and the FBI are interested in investigating all crimes involving terrorism which may have been committed regardless of the stated goals of any terrorist or terrorist group.

We hope this has been of some assistance and assure you that we do appreciate your concern about these types of cases.

Sincerely,


William E. Moschella
Assistant Attorney General