

Testimony of

# **The Honorable Orrin Hatch**

December 11, 2001

Mr. Chairman, in the wake of the September 11 terrorist attacks, the law enforcement community has been the subject of an intense level of scrutiny, to determine, first, whether everything possible was done to prevent the attacks, and second, what, if any, reforms can now be made to increase the capability of law enforcement to prevent such attacks in the future. This analysis is a healthy process, and one that has been welcomed by virtually all of our law enforcement agencies, although it is unfortunate that it took a tragedy of such magnitude to bring these matters to the forefront of the public consciousness.

One of the most important revelations that has resulted from this period of scrutiny, is the realization that, prior to the September 11th attacks, government agencies within the United States already had in their possession clues that a terrorist attack was imminent, and clues as to the form that such an attack might take. It has become apparent, for instance, that law enforcement agencies had been alerted to suspicious activities at flight schools around the country. We have also learned that many of the terrorists who perpetrated the September 11th attacks were on "watch lists" compiled by U.S. immigration authorities prior to September 11th.

Unfortunately, no one governmental agency possessed enough of these clues to piece together a sufficiently clear outline of the terrorists' plans to enable us to predict and prevent the September 11th incidents. None of the isolated pieces of information was sufficient, standing alone, to set off warning bells that an attack was about to take place.

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Accordingly, one of the first lessons we have learned from the September 11th attacks is that we must do a better job of encouraging information sharing between and among our law enforcement institutions.

There are two dimensions to the problem of sharing criminal investigatory information between governmental agencies. First, there is a culture, particularly within our law enforcement institutions, to hold information close, and to refuse to disseminate it to other governmental agencies. Second, there are often legal restrictions as to how and when information may be lawfully disseminated.

Often, there are good reasons for both the legal restrictions on information sharing and the culture of informational compartmentalization. Investigations may be compromised, and lives put at risk, if investigatory information is spread too liberally. In addition, innocent people, who may subsequently be cleared of all wrongdoing, may have their reputations tarnished by premature disclosure that they are the subject of a criminal investigation.

While we must remain mindful of these concerns, we must also recognize the enormous potential that sharing information between and among our law enforcement institutions has to increase the

probability that terrorist activity may be identified and prevented. We must look for ways to encourage such sharing in circumstances where the benefits to our society outweigh the costs.

This was one of the major concerns motivating the passage of the Anti-terrorism legislation earlier this year. In that legislation, Congress reviewed many of the legal barriers to the efficient flow of information within various agencies of the federal government and, where appropriate, lowered those barriers. These changes are key reforms that will unquestionably help the federal government to bring all its resources to bear on identifying and stopping terrorist activities.

One area that was neglected by the Anti-terrorism legislation, however, was the sharing of information between federal law enforcement authorities and their state and local counterparts. If we are truly serious in our domestic war on terrorism, then it is essential that we employ all the resources at our disposal to win that war. Our federal law enforcement resources are simply dwarfed by the resources available in state and local jurisdictions. While disrupting international terrorism efforts will remain primarily a function of the federal government, it is essential that we take advantage of all the help that state and local authorities can provide.

As FBI Director Robert Mueller recently stated, "We all realize, no one institution has enough resources or expertise to defeat terrorism. It must be a joint effort across agencies, across jurisdictions, and across borders. State and local law enforcement are playing a critical role collecting information, running down leads, and providing the kind of expertise critical to an effort of this magnitude and of this importance."

S. 1615, the Federal-Local Information Sharing Partnership Act of 2001 would foster joint efforts by the federal government and state and local law enforcement. The bill would address the oversight in last month's legislation, by extending the information sharing provisions contained in that legislation to cover, not just the federal government, but state and local law enforcement agencies as well. This legislation is essential to ensure that state and local law enforcement agencies are able to work hand-in-hand with federal law enforcement agencies such as the FBI in the war against terrorism.

In conclusion, I would like to point out that in my home state of Utah we are in the process of pioneering cooperative law enforcement efforts among federal, state, and local law enforcement institutions. As we gear up for the Winter Olympics in 2002, federal, state, and local law enforcement has come together, to an unprecedented degree, to provide security for that event. I would like to welcome my good friend, Jon Greiner to today's hearing. Jon is the Chief of Police in Ogden Utah, and in that capacity he has been in the forefront of establishing these inventive relationships. I look forward to hearing his testimony, and that of all the fine witnesses that have been assembled for today's hearing.

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