

Testimony of

The Honorable Orrin Hatch

March 4, 2003

Good morning and welcome to the Committee's important hearing examining the war against terrorism and the coordinated efforts of the Department of Justice and the Department of Homeland Security to protect America. I first want to welcome our three distinguished witnesses who are here before us today. It is indeed an honor to have before the Committee, Attorney General John Ashcroft, Secretary Tom Ridge, and Federal Bureau of Investigation Director Bob Mueller. I understand that each of you is extremely busy, and I want to express my appreciation to you for appearing before us today.

I also want to take a moment to acknowledge Secretary Ridge's appearance here since it is his first occasion to testify before this Committee since his confirmation as Secretary of the new Department of Homeland Security. I am happy to see you here before our Committee.

Today's hearing will focus on the war against terrorism and coordinated efforts to disrupt and disable terrorist organizations, and to protect our country from terrorist attacks. I am committed to legitimate oversight to examine critical issues relating to our country's war against terrorism. Senators Leahy, Grassley and Specter issued an oversight report last week on issues surrounding the Foreign Intelligence Surveillance Act, and I have responded to the Senators providing certain observations on that report. It is my hope that in the coming months that Director Mueller can return before the Committee to address significant oversight issues surrounding FISA. I believe there are important issues relating to implementation of the November 18, 2002 Foreign Intelligence Review Court's decision, as well as internal Justice Department and FBI reforms, which this Committee should address in greater detail at a later oversight hearing.

We all recognize these are challenging times for our country, and that the American public appreciates your leadership, commitment and heroic efforts to protect our country and our people from devastating terrorist attacks.

Your efforts to win this war have borne fruit on many, many occasions. Just last Saturday, United States law enforcement and intelligence agents, working together with Pakistani agents, captured a significant Al Qaeda terrorist, Khalid Sheik Mohammed, the Al Qaeda senior lieutenant who

served as the operations manager and alleged mastermind behind the September 11th attacks, as well as numerous other deadly attacks against Americans worldwide. This latest success is indeed significant - it represents a striking example of the President's and this Administration's coordinated efforts in the global war against terrorists. The apprehension of Khalid Sheik Mohammed is just one more success in a string of successes by you and others in the law enforcement and intelligence communities aimed at disrupting and eliminating Al Qaeda from the face of this earth. I want to commend each of you, as well as the many hard-working agents who are fighting this global war, for this latest success.

Even with this recent accomplishment, however, I recognize that there is more to be done. Now it goes without saying that Americans are experiencing very trying and anxious times. It has been almost a year and a half since terrorists attacked our country, killing almost 3000 people. The enemy is unlike any we have ever faced before - deadly well-financed international terrorists whose tentacles reach into every corner of the globe and who are ready to give their lives to attack and destroy America. Make no mistake - the threat to our country continues today: terrorist organizations exist within our borders and throughout the world; they are fanatics committed to the destruction of America; and will do anything to harm our country and our people.

To overcome this continuing threat, we all must work together. Throughout our country's history, our people, its leaders, and Congress have demonstrated time and time again that when we work together - when we harness the full energy and commitment of our country - we can overcome any adversity or any enemy to our people.

Here in Congress, we have worked together to defeat the terrorist enemy and make our homeland safe and secure. Shortly after the September 11th attack, the Administration showed leadership by sending comprehensive anti-terrorism legislation to Congress. We put aside partisan differences and passed the PATRIOT Act with a nearly unanimous vote in the Senate. That Act provides the Justice Department with much-needed tools to combat terrorism. It was a measured response that balanced the need to protect American lives with the need to preserve our cherished liberties. Despite the dire predictions of some extremist groups, the PATRIOT Act has not eroded the civil liberties that we hold dear as Americans. On the contrary, the PATRIOT Act is enabling the Justice Department, the FBI and the Department of Homeland Security to save American lives and protect what is perhaps the most important civil liberty: the freedom from future terrorist attacks.

Last year, Congress also worked together on the president's proposal to create a new Department of Homeland Security. Once partisan disputes were put aside, the new agency was created, consolidating various functions throughout our government into a single department dedicated to

protecting our homeland. This past weekend, on March 1, over 170,000 employees from over 20 separate agencies were transferred to the new Department of Homeland Security. Again, I want to commend you Secretary Ridge and express my commitment to work with you and others at the new Department to face the coming challenges.

Under the leadership of our distinguished witnesses, the Justice Department, the Department of Homeland Security, the FBI, and other agencies in the government, have worked to make our citizens safer. As we recognize here in Congress - and as the American people should know - every day, through your efforts, you save American lives. Now, I know that you cannot trumpet each and every one of your successes without compromising sensitive intelligence, covert operations and strategic planning. But you have demonstrated since September 11th that you will employ a variety of legal techniques to win the war against terrorism by: (i) capturing Khalid Sheik Mohammed and other top Al Qaeda operatives in order to disrupt terrorist operations worldwide; (ii) using FISA surveillance authority to gain intelligence or execute search warrants against members of terrorist organizations; (iii) prosecuting members of terrorist cells in Buffalo, Portland or Seattle; (iv) apprehending and disabling a lone-wolf terrorist planning to detonate a dirty bomb; (v) disrupting the flow of funds that are the lifeblood of terrorist groups; (vi) sharing intelligence information among each other to identify terrorists or protect vulnerable targets; (vii) securing our homeland from cyber attacks which could have a devastating impact on our information infrastructure; and (viii) apprehending terrorists before they can carry out their deadly plans by implementing an entry-exit registration system and increasing enforcement of our immigration laws.

Yet we hear little in the media recognizing your efforts. Instead, so-called civil liberties groups that oppose the Administration and Congress' efforts make shrill attacks against the very people who are protecting our cherished freedoms. I do not share their view. Of course, we must, and will, adhere to the requirements of our Constitution; however, we should not impose burdens and restrictions which go far beyond constitutional requirements when doing so only provides refuge for criminals and terrorists committed to taking American lives at any cost.

I have said before, and will say again, this Committee will assure that the Justice Department, the Department of Homeland Security, and the FBI are fulfilling their important missions within the four corners of the Constitution, whether this means that reforms need to be implemented or deficiencies need to be corrected. But the Committee will focus its oversight efforts on forward-looking and objective examinations that will fix real problems.

Terrorist fanatics are committed to destroying our country and will use any means to accomplish their goal. Their means to their gruesome ends will evolve. Their tactics will change. And our ability to respond must evolve and must embrace new tools, and new approaches. We must ensure that law enforcement, intelligence and homeland security agencies are given the tools and resources needed to protect our country.

I look forward to hearing each of your assessments of our country's global war against terrorism, your efforts to implement initiatives and programs needed to protect our country, and your ideas of areas where more is needed to address current needs. I do so in the hope of continuing our bi-partisan commitment to enacting measures to win the war against terrorism and make our country safe. My commitment to working together is unwavering and I will do whatever is necessary. The American people expect nothing less from us.

Thank you, and I will turn to the Ranking Minority member, Senator Leahy, for his opening statement.

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