

Testimony of

The Honorable Patrick Leahy

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Statement of Senator Patrick Leahy for the
Hearing of the Senate Judiciary Subcommittee on Terrorism, Technology
and Homeland Security on
"Terrorism: Two Years After 9/11, Connecting the Dots,"
Wednesday, September 10, 2003

As we approach the somber anniversary of September 11, 2001, I want to take a moment to raise an issue of great importance to victims and survivors of those who were lost in the terrorist attacks two years ago.

Yesterday, I introduced the "September 11th Victim Compensation Fund Extension Act of 2003" to extend the pending deadline of the September 11 Victim Compensation Fund to December 31, 2004. I thank Senators Durbin, Schumer, Dodd, Lieberman, Clinton, Corzine and Lautenberg for joining me as original cosponsors of this legislation.

Along with Senator Daschle, Representative Gephardt, and others, I worked hard to create the 9/11 Fund over the objections of some in the Administration and Congress. We insisted that it be included in the legislation to bail out the airlines, which passed in the wake of the most devastating terrorist attacks on American soil. The current deadline for applying for compensation from the Fund is rapidly approaching, but it has become apparent that many of these distraught families need more time. To this point, just under a third of eligible families have applied.

Victim support groups have told me that they receive calls daily from individuals who understand that the deadline is approaching but cannot face the emotional pain of preparing a claim. Ken Feinberg, the Special Master for the Fund, has also commented that many victims are still too paralyzed by their grief to confront the logistical burden of filing a death claim.

In light of this painful reality, I believe it is appropriate to extend the deadline for filing applications to the Victims Fund to December 31, 2004 - an extension of just over a year. This extension would give grieving families additional time to mourn those who were lost and to overcome the emotional challenges of filing paperwork with the Victims Fund.

As the anniversary of the tragedy of September 11 approaches, victims' families have many burdens. They do not need this arbitrary deadline confronting them between September 11 and the year-end holidays. I urge my colleagues on this Subcommittee and on the full Judiciary Committee to support the "September 11th Victim Compensation Fund Extension Act of 2003."

Turning now to today's hearing, we will review what we have learned in the two years since the tragic events of September 11, 2001, and attempt to "connect the dots" in understanding how the attacks were planned and carried out. Connecting the dots means continuing to investigate and establish what U.S. Government agencies knew before September 11, and what was done with that information. We also need to learn more about who assisted the hijackers in formulating and executing their plans, whether such investigations lead us to a greater understanding of the operations of al Qaeda or to other sources of support for terrorism.

As everyone in this room is well aware, critical information about the role of the Government of Saudi Arabia before and after September 11, and its level of cooperation with U.S. law enforcement agencies, before and after, has not been revealed to the public. Despite an outcry from Republican and Democratic Senators alike for the release of information, the Administration has denied the public its right to know these crucial facts. This is most evident in the refusal of the Executive Branch to declassify all or part of the 28 pages relating to Saudi Arabia in the Joint Intelligence Committee report dated July 2003. Several of my colleagues on the other side of the aisle who have seen these pages, including Senators Shelby and Brownback, believe that almost all of the data in these pages can be released with no harm to national security. Even Saudi Arabia's ambassador to the United States has asked that these pages be declassified.

This reluctance to share information is, unfortunately, all too common in the current Administration. The independent commission on September 11, chaired by Thomas H. Kean, the former Republican Governor of New Jersey, spent six months this year trying to obtain data from Executive Branch agencies before Chairman Kean decided to go public with his frustrations. After he raised the issue in a public forum, cooperation from the Executive Branch increased. However, Chairman Kean said in August that certain government offices were still not supplying the commission with requested documents.

Similar frustrations have been felt by members of this Committee in our efforts to conduct thorough and constructive oversight. I worked closely with the Administration in the negotiations that produced the USA PATRIOT Act. At the time the Senate passed that bill, I made clear that this law, far more than most, would require close congressional oversight. I meant that. In the 18 months I served in chairing the Committee in the 107th Congress, I worked hard, and in a bipartisan manner, to reinvigorate the oversight activities of the Judiciary Committee, holding a series of hearings on FBI reform, on improving homeland defense, on the adequacy of law enforcement tools and law enforcement performance, and on preserving constitutional freedoms in the fight against terrorism. Last year, then-Majority Leader Lott blocked a bipartisan request from members of this Committee for funding to conduct an investigation. Our most acute challenges to effective oversight, however, stem from the Department of Justice. We have experienced delays of months and often more than a year in getting answers to letters and questions posed in an oversight capacity. When we receive answers, they are often unresponsive and require additional follow-up -- an effort that is a drain on the resources of the Committee and a wholly unproductive use of time. It is quite difficult to "connect the dots" when information dribbles in through this cumbersome and inefficient process.

To be fair to the Department, I understand that its Legislative Affairs office has to respond to the requests of 100 Senators and 435 Representatives, and under such circumstances, it may be

difficult to prioritize and respond quickly to requests. The Assistant Attorney General for Legislative Affairs, William Moschella, is well known to the members and staff of this Committee. We welcome him to his new position and look forward to maintaining the positive relationship we all built with him during his tenure on the staff of the House Judiciary Committee. I do not level my criticism at him.

That said, in my more than two decades on this Committee, I have never seen such a lack of responsiveness from the Department of Justice on oversight concerns than that which I have experienced from this Administration. Unfortunately, the reluctance to work with us stems from the top. Despite asking for and receiving new tools to fight terrorism, the Attorney General has made only rare and relatively brief appearances before this Committee to explain how such tools are being used.

Some pieces of information we have managed to learn in our oversight capacity do not inspire confidence. For example, on September 10, 2001, just a day before terrorists executed their horrific attacks on the World Trade Center and the Pentagon, Attorney General denied a request from the FBI to increase its budget for counter-terrorism. Other failures of law enforcement were detailed last October by the Joint Committee on Intelligence, such as the lack of communication between departments and agencies, delays in translating intercepted conversations, and the failure of authorities to track down individuals on watch lists who managed to slip over our borders.

I look forward to the testimony of today's witnesses and the subsequent discussion in this timely hearing. I hope this hearing brings us to a greater understanding of the events, challenges, and missteps leading up to the terrorist attacks two years ago.

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