

Statement of

# **The Honorable Orrin Hatch.**

United States Senator  
Utah  
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Statement of Chairman Orrin G. Hatch

Before the United States Senate Committee on the Judiciary

Hearing on

"America After 9/11: Freedom Preserved or Freedom Lost?"

I want to welcome everyone to our second hearing in a series to examine the adequacy of our federal laws to protect the American public from acts of terrorism against the United States.

At the outset, I would like to thank the Ranking Minority Member Senator Leahy for his continued cooperation in working together to examine these important issues. Senator Leahy has been a tireless advocate for the protection of our individual rights and liberties.

As the Chairman of this Committee, he helped to craft the PATRIOT Act into a bipartisan measure which carefully balances the need to protect our country without sacrificing our civil liberties. Without the leadership of Senator Leahy and the support of my fellow colleagues across the aisle, we could not have acted so effectively after 9/11 to pass this measure by a vote of 98-1. I am confident that we will continue to work cooperatively in the future as we plan additional hearings when Congress returns next year.

Today's hearing focuses on the issue of our civil liberties in the aftermath of the horrific September 11th attacks against our people.

The unprovoked and unjustified attacks on 9/11 require us to take all appropriate steps to make sure that our citizens are safe. That is the first responsibility of government.

Thomas Jefferson said, "The price of freedom is eternal vigilance." Congress must be vigilant. True individual freedom cannot exist without security, and our security cannot exist without protection of our civil liberties.

There are some who say that the cost of protecting our country from future terrorist attacks is infringement upon our cherished freedoms.

Some have suggested that our anti-terrorism laws are contrary to our Nation's historical commitment to civil liberties. I disagree. I believe that we must have both our civil liberties and national security or we will have neither.

While we all share this common commitment to security and freedom, the question we are examining today is how best to do so in an environment where terrorists - like the 9/11 attackers - are able to operate within our borders, using the very freedoms that we so dearly cherish to carry out deadly plots against our country.

Let me remind everyone that the 9/11 attackers were able to enter into our country within the strictures of immigration laws, enjoy the fruits of our freedoms, secure for themselves all the necessary trappings of law-abiding members of our society, and then carry out their terrible attacks, under the radar screen of law enforcement, intelligence and immigration agencies.

Let me make just one comment with respect to immigration-related matters. There has been much in the press in recent weeks concerning the detention of certain aliens suspected of terrorist activities. The Supreme Court will hear a case in this area. While this issue is not the central focus of our hearing today, important issues have been raised that this Committee must wrestle with over the next months.

This hearing will examine the government's efforts to protect our freedoms - not just the freedom to live in a safe and secure society - but the freedoms that our country was founded on, the freedoms that we enjoy each and every day, and the freedoms that are the lifeblood of our society.

I am especially interested in hearing from today's witnesses about the details of any specific abuses that have occurred under our current laws. We have invited five critics to ensure that interested parties have ample opportunity to express their concerns.

At the outset, let me make it clear who is not a witness today: Attorney General Ashcroft. At the last hearing some negatively, and unfairly, commented on the AG's absence even though he was not invited to testify.

We are planning on the Attorney General, FBI Director Mueller, and Secretary Ridge to testify next year. I think that John Ashcroft is a good man and is doing a very good job as our Attorney General.

At our last hearing, my good friend and colleague Senator Feinstein made an important point about the dearth of hard evidence of specific abuses under current law. We must not let the debate fall into the hands of those who spread unsubstantiated or outright false allegations when it comes to these important issues.

We will question today's witnesses on specific abuses of our laws.

We also want to hear their ideas about how current law should be modified to better protect our national security while maintaining our civil liberties.

I am hopeful we can examine the issue of civil liberties today in a responsible manner. This Committee will gather all of the facts. We will ascertain whether the government has actually infringed on anyone's civil liberties while exercising its authority under current law.