

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

"Preventing and Responding to Acts of Terrorism:
A Review of Current Law"

I want to welcome everyone today to this special hearing in our great state of Utah. Today's hearing is another in a series of bipartisan hearings which the Senate Judiciary Committee has initiated to examine the adequacy of our Federal laws to protect the American public from, and respond to, acts of terrorism against the United States. I am pleased to hold this hearing at home and I am grateful to all of the participants for taking the time to be with us today.

I would especially like to welcome Deputy Attorney General James Comey who has made a special effort to join us here in Utah. I would also like to acknowledge the many federal, state and local leaders of our community, including Chief Judge Dee Benson of the United States District Court. We will also be privileged to hear from distinguished members of our community. I would also like to thank U.S. Attorney Paul Warner for hosting a Project Safe Neighborhoods breakfast this morning and Dean Scott Matheson, Jr. and the University of Utah S.J. Quinney College of Law for providing a forum for this hearing.

Let me note at the outset, that like our neighbors across America, we in Utah have much to learn about this cruel, but real, threat of terrorism. We can be proud, however, that Utah's experience with the Winter Olympics provided the Nation with a tangible example of the importance of federal, state, and local officials joining together, with an informed citizenry, to establish a safe and secure environment. This took an immense amount of cooperation, coordination, and communication among many individuals and organizations. And I am proud to recognize many of those responsible for that successful event and the security we continue to enjoy are here with us today.

Today's hearing will focus on the issue of protecting our nation while at the same time observing our traditional civil liberties in the aftermath of the horrific September 11th attacks. Certainly, September 11th and the war on terrorism are a reality that we are still addressing today. The unprovoked and unjustified attacks on September 11th forced us to take appropriate steps to make sure that our citizens are safe and that terrorists do not strike on U.S. soil again. The first duty of national government is to protect our citizens from threats from abroad. We will not shirk this responsibility.

Senator Leahy, the Ranking Democrat Member of the Senate Judiciary Committee, and I have worked together for a long time to examine these important issues. In fact, when he was the Chairman of this Committee, we worked closely together to craft the Patriot Act in a bipartisan manner which carefully balanced 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 September 11th to pass this measure by a vote of 98-1.

But passing the Patriot Act did not finish our job. Congress has the responsibility to oversee that the laws we pass are implemented properly, as we intended. I am confident that we will continue to work cooperatively in the future as we continue this series of hearings.

There are some who say that the cost of protecting our country from future terrorist attacks is an infringement upon our cherished freedoms. Some have suggested that our anti-terrorism laws are contrary to our nation's historical commitment to safeguard civil liberties. I disagree.

I believe that we must have both our civil liberties and national security or we will have neither. Thomas Jefferson said, "The price of freedom is eternal vigilance." Congress and the nation must be vigilant. True individual freedom cannot exist without security, and our security cannot exist without protection of our civil liberties. We must, and we will, have collective security and individual liberties.

Unfortunately, much of the rhetoric regarding our nation's anti-terrorism laws appears based on misinformation and unjust speculation. Additionally, some critics have tried to divert attention to those leading the implementation and review of these laws - including me, Attorney General Ashcroft, or President Bush - rather than making specific, documented critiques of these laws and how they believe these laws have been enforced.

Our Nation has strived to make a major and reasonable response to the tragic events of September 11th, including fixing some significant deficiencies in the Pre-9/11 law that the Deputy Attorney General, James Comey, will address in his testimony today. And Deputy Comey should know, since he was one of the key prosecutors in the case against the first World Trade City bombers. Mr. Comey will tell us why it was important to change the law to update our anti-terrorism provisions to include the same capabilities to use the same methods and technologies that are used against drug trafficking, pornography, and organized crime.

Today we will focus on evaluating the tools that are in place to protect us from the clear and present threat of terrorism on our soil. I want to look forward and make sure the tools we have in the law are implemented effectively and not being abused.

While we all share a 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 - will continue to attempt 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.

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 several representatives of groups critical of our Nation's counter-terrorism laws to express their concerns.

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 are interested, of course, in hearing thoughtful criticism and ideas about how current law should be modified to better protect our national security while maintaining our civil liberties.

If we need to refine the law we will. If we need to strengthen the law, we will. If the facts show that we have gone too far, in one area or another, we will make appropriate adjustments.

But first, we must find the facts. That is what we are doing here today.

Today we are discussing a very serious matter--our Nation's security. I know that we will carefully examine these issues today.

I am very pleased with the distinguished panelists that are joining us today. On our first panel we have Deputy Attorney General Comey, who will be followed by United States Attorney for the District of Utah, Paul Warner. As I mentioned, Deputy Attorney General Comey brings a breadth of experience not only as Deputy Attorney General, but as the former lead prosecutor in the 1993 World Trade Center bombings. Mr. Comey, we look forward to hearing from you.

Also with us today is Paul Warner, the United States Attorney for the District of Utah, and former head of the Attorney General's Advisory Committee. Mr. Warner has worked closely with local, state, and federal law enforcement agencies in a collaborative effort to combat terrorism. Mr. Warner, thank you for taking the time to be with us today.

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