

Statement of

The Honorable Russ Feingold

United States Senator
Wisconsin
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Senate Judiciary Committee Hearing on
"Oversight of the USA PATRIOT Act"
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Mr. Chairman, thank you very much for holding this hearing today. I am pleased that we are beginning our review of the PATRIOT Act early in the year, and I thank you for your commitment to taking the time necessary to review the Executive Branch's exercise of government power since September 11.

The PATRIOT Act was proposed just days after the horrific September 11th attacks, and the bill was passed and signed into law just a little more than a month later. I tried at that emotionally charged time to convince my colleagues that some provisions went too far and needed to be revised, including the business records authority in Section 215, but my amendments were rejected - although, Mr. Chairman, I want to note for the record that you supported me in some of those efforts, and I do appreciate that.

I voted against the PATRIOT Act, but I am heartened that now, four years later, as some provisions are up for reauthorization, Congress will have the time and perspective that we didn't have then to carefully and calmly consider these expanded government powers. As the Justice Department has correctly argued, some of the expiring provisions are not especially controversial, and I suspect we will be able to conclude quickly that they should be reauthorized with no changes. Other provisions of the Patriot Act, however, including some provisions not subject to the sunset, deserve close scrutiny. Some may require modification to ensure adequate protection of civil liberties going forward.

I have introduced a number of bills to modify the PATRIOT Act. In addition, along with several members of this Committee, I have supported Senator Craig's and Senator Durbin's SAFE Act, which offers reasonable accountability mechanisms to ensure adequate oversight of the Executive Branch as it engages in the very important and difficult work of protecting us from terrorist attacks. I want to emphasize, Mr. Chairman, that I do not believe we should repeal the PATRIOT Act. But we do have the responsibility, as the 9-11 Commission noted in its recommendation, to provide adequate safeguards to govern the use of executive powers, which I think we failed to do when we passed the PATRIOT Act.

I also want to emphasize that there are a variety of other civil liberties issues, beyond those arising directly from the PATRIOT Act, that warrant intense congressional scrutiny and oversight this year. I look forward to working with you, Mr. Chairman, with Attorney General Gonzales and Director Mueller, and with other members of the Committee as we embark on the reauthorization process.