

Testimony of

# The Honorable Orrin Hatch

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Mr. Chairman, I would like to start off by stating, unequivocally, that I consider the FBI to be one of the finest - if not the finest - law enforcement agencies in the world.

But those who we justifiably hold in great regard also bear a great responsibility.

Last spring, we were all disappointed to learn that, in the process of turning over millions of pages of documents to the defendants who were responsible for blowing up the Murrah Federal Building in Oklahoma City, the FBI had inadvertently failed to produce some documents.

This is a mistake that never should have happened. Fortunately, with respect to Timothy McVeigh and Terry Nichols, there was no basis for arguing that any of the documents that were not produced would have altered, in any way, the outcome of their trials. Next time we may not be so lucky. I am therefore committed to doing everything necessary to ensure that these types of mistakes do not happen again.

The Department of Justice Inspector General has now completed a thorough and comprehensive review to determine how these documents fell through the cracks and how such mistakes can be eliminated in the future. And before I go on, I would like to acknowledge Glenn Fine, the DOJ Inspector General, for the fine work performed by him and by his staff. This report is clear, thorough, and well-organized, and it should serve as a model for future investigative reports.

There is much good news in the IG report. First, and most importantly, there is nothing in the report that does anything that calls into question the validity of the convictions or the sentences imposed on Timothy McNichols or Terry McVeigh. While I recognize that the guilt or innocence of these men was not the focus of the IG's report, I nevertheless take comfort from the fact that the IG uncovered no information that would even suggest that these men were not the perpetrators of the horrible crimes for which they were convicted. And we must not forget that these men were captured, brought to trial, and convicted for blowing up a federal building and murdering more than 160 men, women and children through the hard work and dedication of the FBI agents and personnel.

Second, I am gratified to learn that the Inspector General determined that the FBI had not purposefully sought to withhold these documents from the defense. The Inspector General found that, in the midst of producing more than a million pages of materials, some 1,033 documents were not turned over, and that the failure to produce these documents was simply a result of human error - not misconduct or malfeasance on the part of the FBI.

Finally, I have been pleased to learn that, under the vigorous leadership of Director Robert Mueller, the FBI has already begun implementing many of the IG's suggested reforms. I applaud

the IG for his thorough report and urge the FBI to continue its commitment to overhauling and upgrading its records management systems.

Let me make a final point. When the FBI does its job well, we rarely hear about it. There is no way to tell how many terrorist plots against the United States have been averted simply because of the existence of the FBI's counter-terrorist capabilities.

And when the FBI does make the news, it is, overwhelmingly, for a job well done. It may be the perpetrator of a rape, who has been identified and incarcerated because the FBI laboratory has matched his DNA to evidence found at the crime scene. Or perhaps, a malicious computer virus has been detected by the FBI and traced back to a cyber-criminal operating in a foreign country.

It is this positive record of effectiveness and efficiency that makes it so newsworthy when the FBI fails to perform its duty with the degree of care and professionalism that we have come to expect.

As a United States Senator, I consider it to be one of my most solemn responsibilities to ensure that the awesome powers our law enforcement agencies are exercised in a responsible fashion - that is, in a way that inspires confidence in our citizens, and does not unlawfully infringe on our cherished liberties. I know that my colleagues, on both sides of the aisle, also feel the weight of this responsibility.

Oversight hearings, such as the one we are holding today, are important. I look forward to the testimony of the witnesses today.

But based on my review of the IG's report, the written testimony submitted by the witnesses, and my own knowledge of what Director Mueller has accomplished during his short tenure as Director, I am persuaded that the FBI is taking the appropriate steps to address the shortcomings in records management that were revealed by the Oklahoma City bombing case, and thereby maintain its position as one of the world's most effective law enforcement agencies.

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