

Testimony of

The Honorable Orrin Hatch

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Over the course of the last year, we have become acutely aware of the damage that FBI Special Agent Robert Hanssen has done to our national security. Over 22 years, beginning in 1979 and continuing until his arrest in 2001, we are told that Hanssen gave the Soviet Union and Russia substantial amounts of vital information affecting U.S. security.

When Mr. Hanssen's activities were discovered, we all questioned whether his ability to jeopardize our nation's security was due to deficiencies in the FBI's internal security.

Commendably, Attorney General John Ashcroft and then-Director Louis Freeh responded quickly to the crisis by appointing Judge William Webster to lead a thorough and independent review of the FBI's internal security programs.

The Webster Commission has now completed this task, and it is apparent from its extensive, well-written Report that the Commission was meticulous in its investigation. The Webster Commission's comprehensive study will guide the FBI well as it undertakes the critical task of transforming its internal security programs. I commend Judge Webster, his Commissioners, and their staff for their diligent work in compiling this Report. I want to acknowledge, in particular, George Ellard, who was Senator Biden's chief counsel on this Committee for his service as General Counsel of the Commission. Our nation owes a debt of gratitude to Judge Webster and the members of his able team for their dedication to this important review.

Reforming a multi-faceted institution like the FBI is no easy task. As the Webster Report points out, an inherent tension exists between the Bureau's law enforcement function, which is grounded in shared information, and its intelligence function, which by necessity must be grounded in some degree of secrecy. Conflicts between operational and security objectives are common. The recommendations contained in the Webster Report appear to strike a workable balance between these occasionally competing objectives, by advocating reforms that will increase the Bureau's security without jeopardizing its efficiency in the law enforcement arena.

I am pleased to hear that under the leadership of Director Mueller, and immediately before him, Director Freeh, the FBI has examined its security programs and has already incorporated many of the security reforms the Webster Commission has recommended.

Most significantly, the FBI has established an independent Security Division, led by an Assistant Director whose role is to plan and implement the FBI's security programs. As the Webster Commission suggested, consolidating the FBI's security functions into a central office will not only increase the Bureau's focus on security matters, it will also ensure greater security coordination within the FBI.

In addition, the FBI has improved the security of its information systems, instituted frequent polygraph examinations and access reviews, and developed a comprehensive security education, awareness and training program.

We look forward to the FBI continuing to incorporate all of the reforms recommended by the Webster Commission, as the Bureau has indicated it will.

I want to take a moment to commend Director Mueller and his team. Director Mueller has been on the job for only 7 months, and during virtually his entire tenure, he has been coordinating the FBI's response to the September 11th attacks. I am sure that I am not alone in my admiration for the institutional reforms Director Mueller has already managed to accomplish under these trying circumstances. I believe as a newly installed Director, Mr. Mueller should be allowed to implement his reforms - and as I know he is aware, to be accountable for the results.

As I have said on countless other occasions, the FBI is the one of the finest law enforcement agencies in the world. We have learned, however, we cannot let our respect for the FBI as an institution, or for the many hard-working agents who are often asked to put their lives on the line, blind us from the fact that the FBI has, on occasion, come up short of our expectations. And that is a serious matter.

We must keep in mind, however, as the Webster Commission has noted, the FBI is not the only governmental entity that has been betrayed by one of its trusted employees. The General Accounting Office has reported that between 1982 and 1999, 80 federal government and contractor employees were convicted of espionage. That is an astounding number. As the Webster Commission observes, with the exception of the Coast Guard, since the 1930's, every U.S. agency involved in national security has been penetrated by foreign agents. In this information driven age, the FBI and all governmental entities must learn from their own mistakes and from those of one another to ensure that our nation's security is protected.

I applaud Director Mueller for the significant steps he has taken in his brief tenure to address the FBI's security shortcomings. I have the utmost confidence that he will continue to capitalize on the Webster Commission's study to improve the Bureau's security programs. In the months ahead, I look forward to hearing more about the FBI's progress, and I am convinced that under the able leadership of Director Mueller, the FBI will remain the world's standard in law enforcement.

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