

Speech to European Parliament
Chairman F. James Sensenbrenner
November 11, 2013

Good afternoon, I would like to thank the European Parliament's Civil Liberties Committee for inviting me to testify today.

I was the Chairman of the House Judiciary Committee when the United States was attacked on 9-11. Congress knew the country needed new tools and broader authorities to combat those who meant to harm us, but we never intended to allow the National Security Agency to peer indiscriminately into the lives of innocent people all over the world.

As chairman, I worked under strict time constraints to strike a balance between civil liberties and national security in the USA PATRIOT Act. The final bill brought together liberal Democrats and far-right Republicans and passed out of the Committee unanimously.

I firmly believe the PATRIOT Act saved lives by strengthening the ability of intelligence agencies to track and stop potential terrorists, but in the past few years, the NSA has weakened, misconstrued and ignored the civil liberty protections we drafted into the law.

President Ronald Reagan said, "trust but verify." After 9-11, with America at risk and poised to enter its most intensive conflict since the Vietnam War, Congress extended the executive branch broader powers to protect the American people. But the NSA abused that trust.

It ignored restrictions painstakingly crafted by lawmakers and assumed a plenary authority we never imagined. Worse, the NSA has cloaked its operations behind such a thick cloud of secrecy that, even if the NSA promised reforms, we would lack the ability to verify them.

The constant stream of disclosures about US surveillance since June has surprised and appalled me as much as it has the American public and our

international allies. I have therefore introduced legislation along with Senator Patrick Leahy, the Chairman of the Senate Judiciary Committee, that will curtail surveillance abuses and restore trust in the US intelligence community.

Our bill is called the Uniting and Strengthening America by Fulfilling Rights and Ending Eavesdropping, Dragnet-collection, and Online Monitoring Act. Or, for short, the USA FREEDOM Act.

The title intentionally echoes the PATRIOT Act because it does what the PATRIOT Act was meant to do – strike a proper balance between civil liberties and national security.

The bill has already attracted over 100 bipartisan cosponsors in Congress and has been endorsed by civil liberties groups such as the ACLU and NRA and large technology companies such as Google, Apple, Facebook and Microsoft. And newspapers such as the New York Times, the Los Angeles Times and the Washington Times have been openly supportive.

Unlike a competing proposal from our intelligence committees, it will deliver real reforms. The US Congress is engaged in a heated debate over how intelligence is gathered, and from whom. On October 31st, in an 11-4 vote, the Senate Intelligence Committee voted for the first time in our country's history to allow unrestrained spying on the American people.

I am committed to a different approach.

The USA FREEDOM Act would end the NSA's bulk collection of data under the Patriot Act whether it pertains to Americans or foreigners. The US Government would still be able to follow leads and obtain data when it has a reasonable suspicion that someone is connected to terrorism, but it would no longer be able to collect data indiscriminately in bulk from innocent people.

Other reforms to the Foreign Intelligence Surveillance Act and National Security Letter statutes would similarly end bulk collection and stop other abuses under the law that the intelligence community has perpetrated against Americans and foreigners alike.

Finally, as the late US Supreme Court Justice Louis Brandeis wrote, "Sunlight is said to be the best of disinfectants." In that spirit, the bill greatly enhances reporting, oversight and transparency to improve accountability at the NSA. As we have seen, the stiffest restrictions can be bent, so transparency and oversight are essential elements of any reform.

Congress has limited authority to stop the Administration from spying on foreign leaders--the surveillance of Chancellor Merkel, for example, was done pursuant to an executive order, not an act of Congress. President Obama said he knew nothing about this intrusion. While I agree that politics stop at the water's edge, if you'll forgive an old Republican one partisan quip, there is no better argument for reform than when surveillance abuses occur unbeknownst to the one man authorized to allow them.

But even though these abuses were done outside Congressional authority, we should not underestimate the symbolic value of genuine reform. If we succeed, the USA FREEDOM Act will be the first major initiative since 9-11 to curtail surveillance. It's the strongest message we can send that innocent people should not be treated as terrorists; that our private lives should be left private; and that the rule of law is neither flexible nor permissive.

The USA FREEDOM Act ensures the law is properly interpreted, past abuses are not repeated and American liberties are protected. Over the coming weeks and months, as more revelations are brought to light and public outrage grows, Chairman Leahy and I will be working to push

this important legislation through the committee process and onto the floors of Congress for a vote.

Our liberties are secure only so long as we are prepared to defend them, which is why I'm calling on the President and my colleagues in Congress to rally around this legislation to protect the shared rights of all Americans and to restore the trust and focus in our intelligence communities.

International cooperation is crucial to stopping terrorism, but trust is also integral. I ask my friends here in the European Parliament to work pragmatically with the United States to continue balanced efforts to protect our nations. Together we can rebuild trust while defending civil liberties and national security on both sides of the Atlantic.

Thank you.

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