

The senior assistant bill clerk proceeded to call the roll.

Mr. TORRICECELLI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. TORRICECELLI. Mr. President, I ask unanimous consent that there be a period for morning business and that I be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from New Jersey.

AFTER SEPTEMBER 11, 2001

Mr. TORRICECELLI. I thank the Chair.

Mr. President, I want to engage my colleagues and the American people in a discussion of the events of September 11, 2001. All of us recognize that much of our lives have been touched and some things have been changed forever. If it is axiomatic to say that about our country and the communities I represent and where I live in northern New Jersey, it may be as true as anywhere in the Nation.

There is not a small town or a city in northern New Jersey that has not been touched or changed. At the time the final body has been found and the search has concluded, 2,000 to 3,000 people in New Jersey may have lost their lives. It is estimated there are 1,500 orphans in my State. It struck everywhere.

In Middletown, NJ, 36 people have been lost. It is estimated it could go as high as 70. In Basking Ridge, where JON CORZINE and I visited a few days ago, 14 people were lost, two more than in all of World War II. In a single elementary school in Ridgewood, NJ, 6 children lost their fathers.

The loss of lives in Korea or Vietnam or World War II took years to accumulate. In my State of New Jersey, lives were lost in minutes.

We say the Nation will never be the same. We say that life has changed. Those are words. We do not know what they mean. All we can attest is that it is large, it is dramatic, and things will be different. Now we fill in the blanks. How will it be different and why?

The pain is so great and the loss is so enormous that our instinct is to strike immediately, overwhelmingly with the power in our possession, and, indeed, we will strike, but it must be thoughtful and it must be careful because it must be successful.

Our instinct is, because we understand there is no liberty without security, that we must immediately enhance law enforcement with money, with people, and with new powers. Indeed, many of these new powers are justified and must be required. Everything from increasing electronic surveillance to expanding wiretap authority to giving the CIA greater access to grand jury materials is being proposed.

Some of it is long overdue, and already I think the Congress can justify acting.

There is no reason to have a 5-year statute of limitations on terrorist activities. The Nation has no statute of limitations for treason or for murder. Terrorism is every much as insidious and the statute of limitations should be lifted.

The Government clearly needs to have greater powers for dealing with money laundering. We recognize this from our fight against the narcotics trade, and it is true with terrorism. The laws are antiquated and must be changed.

The electronics telecommunications revolution has probably necessitated change in electronic monitoring as well.

These things we can justify, but it is here where I urge caution because we are in pain, because we are vulnerable, and because we recognize that our security is in such danger there is a rush to judgment on issues of civil liberties. It is here where I draw the line.

Everything can be discussed, and the Congress should be willing to listen to many, but it is the responsibility of this Congress, under the architecture designed by the Founding Fathers, and primarily the duty of this Senate where passions cool, better judgment reigns, civil liberties which are compromised. A Constitution which is changed to deal with the necessities of an emergency is not so easily restored when the peace is guaranteed and a victory won.

If this Congress surrenders civil liberties and rearranges constitutional rights to deal with these terrorists, then their greatest victory will not have been won in New York but in Washington.

Any administration can defeat terrorism by surrendering civil liberties and changing the Constitution. Our goal is to defeat terrorism, remain who we are, and retain the best about ourselves while defeating terrorism. It is more difficult, but it is what history requires us to do.

The history of our Nation is replete with contrary examples, and we need to learn by them. They are instructive. For even the greats of American political life have given in to the temptation of our worst instincts to defeat our worst enemies and lose the best about ourselves. Indeed, the very architect of our independence, John Adams, under the threat of British and French subversion, supported the Alien and Sedition Acts, compromising the very freedom of expression he had helped to bring to the American people only a decade before. He lived with the blemish of those acts on his public life until the day he died.

Abraham Lincoln, the Great Emancipator, the savior of our Union suspended the Constitution, its right of habeas corpus, imprisoning political opponents to save the Union.

Franklin Delano Roosevelt, who had the honor of saving the Nation not

once but through the Great Depression and the Second World War, imprisoned Japanese Americans and some German and Italian Americans in a hasty effort at national security which has lived as a national shame.

If these great men, pillars of our democracy, compromised better judgment in time of national crisis, it should temper our instincts. Their actions should speak volumes about the need for caution at a time of national challenge.

There is another side. There are better instincts among us. The American people are speaking of them all across the Nation. They recognize the need to balance security and civil liberties, to change that which is required to assure victory, but recognizing that victory is measured not only by security but also by our liberties.

Across the Nation, the American people have provided us many measures of their strength as they exercise those liberties, engaging in open debate about how the Nation responds, giving unprecedented levels of donations—\$200 million to the Red Cross alone.

They reached out across races and religions to express concern about each other and for the safety of Arab Americans and Muslim Americans.

They are reminders of how much the Nation has grown from previous successes.

I rise in recognition of these national strengths and these concerns and commend in particular Senator LEAHY who has extended, on behalf of the Senate, our desire to work with the administration to enhance the powers of law enforcement and to provide the necessary resources. But I think he speaks for many Members of the Senate—he certainly speaks for me—when he also asks that we act deliberately and prudently.

I ask we expand that debate because history will require, and I believe the American people will demand, that we not merely review what new powers must be given to law enforcement and the intelligence community, we must not simply debate what new resources financially are required, but there is some need for some accounting of those previous powers and resources.

At a time when we are still seeking survivors and counting the dead, no one wants to cast blame. I do not rise to cast blame, but I do ask for accountability.

I may represent 3,000 families who lost fathers and mothers and sisters and brothers and children. They demand military protection by bringing our forces abroad. They ask that we strengthen law enforcement at home. But somebody is going to have to visit these cities and small towns and answer to these families, where are the resources we gave in the past? What of the enormous intelligence and security and law enforcement apparatus we have built through these decades? What happened?

This is not to assess blame. It is so we can only learn how to correct these

errors and improve these systems if we understand the failures.

It is reported in the media that the United States, in what would otherwise be a classified figure, may spend \$30 billion per year on intelligence services, including the CIA and the NSA.

The Washington Post reports the FBI counterterrorism spending grew to \$423 million this year, a figure which in the last 8 years has grown by 300 percent. It is not enough to ask for more. It is necessary to assess what went wrong. Did leadership fail? Were the plans inadequate? Did we have the wrong people, or were they on the wrong mission?

Earlier this week, the Washington Post reported that over the past 2 years the Central Intelligence Agency had provided to the FBI the names of 100 suspected associates of Osama bin Laden who were either in or on their way to the United States. Yet the Washington Post concludes that the FBI “was ill equipped and unprepared” to deal with this information.

Some of the allegations reported in the media are stunning and deeply troubling, not simply about what happened but revealing about our inability to deal with the current crisis. Previous terrorist investigations, it is alleged, produced boxes of evidentiary material written in Arabic that remained unanalyzed for lack of translators. During the 1993 World Trade Center bombing trial, agents discovered that photos and drawings outlining the plot had been in their possession for 3 years, but they had not been analyzed.

Since 1996, the FBI had evidence that international terrorists were learning to fly passenger jets at U.S. flight schools, but that does not seem to have obviously raised sufficient concern, and there was no apparent action.

In August, the FBI received notice from French intelligence that one man who had paid cash to use flight simulators in Minnesota was a “radical Islamic extremist” with ties to Afghani terrorist training camps. Regrettably, this intelligence information was apparently not seen in the greater context of an actual threat that has now been realized.

On August 23 of this year, a few weeks before the World Trade Center was attacked, the CIA alerted the FBI that two suspected terrorist associates of Bin Laden were in the United States. The INS confirmed their presence in the United States, and the FBI launched a search. It was obviously unsuccessful.

It is hard to know where to begin. Life goes on, but not so quickly. Who here will come to New Jersey with me and visit these thousands of families who pay their taxes and ask little of their Government, other than to keep them secure, protect their liberties, and let them live their lives? Somebody failed the American people.

I know my constituents will ask me, as their representative in the Senate,

to authorize foreign military adventures to find those responsible, and I have done that, and the President has my support. They will not want this pain to be shared with other Americans, so they will ask my support financially and by changing Federal statutes to ensure this never happens again, and that will have my support. Some of these children, some of the widows or widowers, are going to ask: Senator, how did this happen? All of this money and all of these resources. Why was somebody not watching to defend my family, my country, my child?

We can postpone that accountability, but it has to happen. These terrorist cells that consumed these lives and shook our Nation to the core and now send us into foreign battle were not organized last month. This attack was not planned on the morning of September 11, 2001. Many of those arrested or detained for this terrorist attack were from the same area and may have had the same relationships to the 1993 bombing of the World Trade Center in New York. What level of surprise could this represent? There needs to be an explanation.

On behalf of the people of my State, if I need to return to this Chamber every day of every week of every month, this Senate is going to vote for some board of inquiry. I joined my colleagues after the *Challenger* accident, recognizing that that loss of life, the failure of technology and leadership, indicated something was wrong in NASA. The board of inquiry reformed NASA and the technology and gave it new leadership, and it served the Nation well.

After Pearl Harbor, we recognized something was wrong militarily. We had a board of inquiry. We found those responsible, we held them accountable, and we instituted the changes.

Indeed, that formula has served this Nation for years in numerous crises. Now I call for it again. First, review the circumstances surrounding this tragedy, the people responsible, the resources that were available, where there was a failure of action, and make recommendations and assign responsibility. Second, develop recommendations for changes of law or resources or personnel so it does not happen again. I cannot imagine we will do less. I call upon us to do more. I will not be satisfied with new assignments of powers or appropriating more money. I want to know what went wrong, and why, and who.

Just as we have moved forward, we need to give one glance back over our shoulder and give these families some answers.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Having had the opportunity to visit New Jersey last week, I listened intently to the comments of my good friend and must say I was very moved with the presentation made by the various mayors who saw

fit to share the extent of that tragedy—not only the residents of their communities, but the tremendous burden put on these areas to address the recovery efforts associated with the reality that nearly a third of the estimated number lost were residents of the State of New Jersey.

I extend my sympathies and assure my colleague of my willingness to assist him and his constituents in this terrible tragedy.

ENERGY SECURITY

Mr. MURKOWSKI. Mr. President, I rise today to recognize a reality that our Nation is at war. I think we all agree that never before have we been so blatantly or cowardly attacked as a consequence of this new form of terrorism, commercial airplanes having been used as weapons of terrorism. As we propose to prosecute this war, we need to make certain our Nation, our people, and our economy are prepared and ready for the battles to come.

I rise today to discuss one part of how America should work to ensure one portion, and that is our energy security. The reality is that America is dependent today on foreign sources for 57 percent of the oil we consume. Further, we are importing most of this oil from unstable foreign regimes. It is no secret to any Member of this body. I have stood on the floor many times to remind my colleagues that we are currently importing a million barrels a day from Iraq, while, at the same time, the inconsistency of the manner that we are enforcing a no-fly zone; namely, an area blockade, putting the lives of America’s men and women at risk in enforcing this no-fly zone. We are funding Saddam Hussein at the time when we consider him a great risk and potentially associated with alleged funding of terrorists.

After the tragic and horrifying events of September 11, it is patently obvious that we must now prepare for war, and it is equally obvious that the tools of war are driven by one source of energy, and that is oil. The aircraft, the helicopter, the gunships, and the destroyers do not run on natural gas. They do not run on solar or hot air. In peacetime alone, our military uses more than 300,000 barrels of oil each day. I remind my colleagues that oil must be refined. I can only imagine how that number will rise in the coming weeks, the coming months. Hopefully not the coming years.

It should also be obvious that the country cannot depend on unstable regimes such as Iraq to meet our energy needs without compromising our national security. I have the greatest respect for our friends throughout the world, especially those in this hemisphere, especially my friends in Canada. However, it only makes sense for America to take steps to put its own energy house in order. We need to conserve our energy, improve our energy efficiency, but we also need to produce