

**STATEMENT OF THE HONORABLE WM. LACY CLAY
AT THE HEARING ON
GOVERNMENT USES OF DATA-MINING**

MAY 6, 2003

Thank you, Mr. Chairman for calling this hearing. I look forward to today's testimony. When government agencies collect information about American citizens, then those citizens have a right to see that information and correct it if there are errors.

I would like to begin by quoting one of our witnesses from our last hearing on data mining, Professor Jeffery Rosen. At that hearing, Professor Rosen opened his testimony with this statement:

“it's possible to design data mining technologies in ways that strike better or worse balances between liberty and security. But there is no guarantee that the executive branch or the technologists, left to their own devices, will demand and provide technologies that strike the balance in a reasonable way. Congress,

therefore, has a special responsibility to provide technological and legal oversight of data mining, to ensure that the most invasive searches are focused on the most serious crimes.”

Our job today is to gather as much information as possible about these three programs so that we can assure that the balance between liberty and security is a good one. Over the past two years we have seen a heavy thumb on the balance scale in favor of security. However, it is not clear that we are necessarily more secure because of it. We have also seen the liberty of individuals abuse in ways we have not seen in this country since the internment of the Japanese during World War II.

We learned in hindsight that that breach of liberty was a terrible misuse of government power. The government quietly admitted so when it turned to those people interned and ask them to serve in the military, or to work as translators. Much later, our government officially apologized. President Clinton, in issuing that apology

said, "We recognize the wrongs of the past and offer our profound regret to those who endured such grave injustice. We understand that our nation's actions were rooted in racial prejudice and wartime hysteria, and we must learn from the past and dedicate ourselves as a nation to renewing and strengthening equality, justice and freedom."

Today our government faces a threat to our national security that many have compared to World War II. President Bush compared the attack on the World Trade Center to the bombing of Pearl Harbor. In the days that followed that attack, the president's speechwriters used President Roosevelt's speeches from December 1941 to shape President Bush's remarks.

We must learn from the past and not allow our fears to destroy the very liberties for which we fight. The descriptions of the programs we are considering today with secret files, and warrantless searches of our electronic lives, puncture that thin wall between liberty and security. At the same time, these programs have not

proved that they have a benefit strong enough to justify that breach.

Finally, I would like to thank the Defense Advanced Research Project Agency for providing its testimony to the Subcommittee in a timely fashion. It is a shame that the FBI and TSA did not show the same respect for the Subcommittee.

Again, let me thank the witnesses for their testimony, and I ask that my statement be included in the record.