

Statement of  
Senator Susan M. Collins

**“Terrorists and Guns: The Nature of the Threat and Proposed Reforms”**

Committee on Homeland Security and Governmental Affairs  
May 5, 2010

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**Our nation remains a target for terrorists. Whether sent from overseas or radicalized within the United States, terrorists continue to target innocent men, women, and children. Their callous disregard for life was on full display in New York City this past Saturday.**

**Had it not been for an alert street vendor and the courageous action of the New York Police Department, many lives would have been lost, and many people would have been injured.**

**I applaud the quick and effective investigative work by federal, state, and local authorities that led to the identification and arrest of the suspect, Faisal Shahzad, who allegedly placed the car bomb in the midst of Times Square.**

**This attempted attack reminds us once again that terrorists are unrelenting in their desire to kill Americans. We cannot let down our guard, and we must continue to meet this ongoing threat with strength and resilience.**

**From Fort Hood to the skies over Detroit and now to Times Square, our nation must come to grips with the terrorist threat, particularly the threat of homegrown terrorism.**

**An alert citizenry is one of our best defenses against terrorist attacks. Signs on the New York City subway system read: “If You See Something, Say Something.” The U.S. Capitol Police ask those who work on Capitol Hill to pay close attention to “help be the eyes and ears with our local law enforcement.” And, as we saw in Times Square, an alert citizen can be our best line of defense against an attack.**

**Senator Lieberman and I introduced bipartisan legislation that would encourage individuals to report suspicious activity to appropriate officials. The legislation is straight-forward: it would protect individuals from lawsuits when they, in good faith, report suspicious behavior that may indicate terrorist activity. Given the recent events in New York, I encourage the Senate Judiciary Committee to pass this important bill.**

During the past eight years, significant resources have been devoted to the prevention of a terrorist attack using a biological, chemical, or nuclear weapon. But as recent attacks have shown, the improvised explosive device – or IED – remains the weapon of choice for terrorists. In 2009 alone, there were more than 3,700 terrorist incidents involving an IED worldwide.

The materials used to construct IEDs are ubiquitous. Gas cans and propane tanks, available at any home improvement store, allegedly formed the core of the Times Square bomb. When terrorists can turn items that can be found in a family's garage into an instrument of death and destruction, it underscores the need for intelligence collection to identify threats as well as the need for vigilance by state and local authorities, business owners, and all citizens to learn the warning signs that distinguish legitimate activity from the precursors to a terrorist attack.

Of course, terrorists can also choose to use firearms, and that is the issue that brings us here today.

For many Americans, including many Maine families, the right to own guns is part of their heritage and way of life. This right is protected by the Second Amendment.

And so this Committee confronts a difficult issue today: how do we protect the constitutional right of Americans to bear arms, while preventing terrorists from using guns to carry out their murderous plans?

Let me note that a similar dilemma does not arise with application of the watchlist to the purchase of explosives.

One of the more important accomplishments since September 11, 2001, has been the creation of a consolidated terrorist watchlist based on information from all parts of the Intelligence Community and the FBI.

Our watchlist system, properly implemented, can be an effective mechanism for preventing individuals with *suspected* terrorist ties from boarding an aircraft. It also alerts law enforcement and border protection officers to more carefully screen *potential* terrorists, and allows the State Department to revoke visas of foreign persons with terrorist ties who are attempting to travel to the United States.

But the evidence used to compile the watchlist is often fragmentary and can be of varying degrees of credibility. As our late colleague Senator Ted Kennedy found out when his name was included, the watchlist can be inaccurate. For example, the latest DoJ Inspector General's report concluded that approximately 35 percent of those sampled remained on the watchlist

**based on outdated information or material unrelated to terrorism. It is not, in other words, the equivalent of a criminal history report.**

**Incidents of mistaken application of the terrorist watchlist are very unfortunate, but those errors now result only in the restriction of a privilege, such as the right to board a plane or to travel to the U.S. from overseas. The expansion of the watchlist system to potentially deprive law-abiding Americans of a constitutional right, however, is wholly different and raises many critical questions.**

**As Congress considers the application of the terrorist watchlist to activities protected by the Constitution, we must carefully consider these questions:**

- Are appropriate protections included within the watchlisting process to justify the denial of a constitutional right?**
- If not, what procedural protections should be afforded those who are erroneously denied the ability to purchase a firearm?**
- What guidelines are necessary to constrain the Attorney General's discretion to prevent law-abiding Americans from purchasing a firearm?**

**None of us wants a terrorist to be able to purchase a gun. But neither should we want to infringe upon a constitutional right of law-abiding Americans.**

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