

**Prepared Statement of  
Chairman Thomas Kean and Vice Chairman Lee Hamilton  
of the National Commission on Terrorist Attacks Upon the United States  
before the House Armed Services Committee  
August 10, 2004**

*The 9/11 Commission's Findings and Recommendations*

Chairman Hunter, Ranking Member Skelton, distinguished members of the House Armed Services Committee. We are honored to appear before you today. We want to thank you and the leadership of the House of Representatives for the prompt consideration you are giving to the recommendations of the Commission. We are grateful to you, and to the leadership of the House.

The Commission's findings and recommendations were strongly endorsed by all Commissioners—five Democrats and five Republicans. We share a unity of purpose. We call upon Congress and the Administration to display the same spirit of bipartisanship as we collectively seek to make our country and all Americans safer and more secure.

**The Need for Institutional Change**

Terrorism is the number one threat today to the national security of the United States. Counterterrorism policy must be the number one priority for this President, and for any President, for the foreseeable future.

We cannot succeed against terrorism by Islamist extremist groups unless we use all the elements of national power: military power, diplomacy, intelligence, covert action, law enforcement, economic policy, foreign aid, public diplomacy, and homeland defense. If we favor one tool while neglecting others, we leave ourselves vulnerable and weaken our national effort. This is not just our view: it is the view of all policymakers.

- Secretary Rumsfeld testified and told us: He can't get it done with the military alone. For every terrorist we kill or capture, more rise up to take their places. He told us the cost-benefit ratio is against us.
- Cofer Black told us: You can't get it done with the CIA alone.

What became clear to us is that the institutions of the United States government are still geared to cold-war threats, great power threats. Our government – still today – is not geared to deal with the threat from transnational Islamist terrorism. We need a unified effort across the government. That is why we advocate change.

## **The National Intelligence Director**

As part of the 9/11 story, we spent a very considerable time looking at the performance of the Intelligence Community. We identified at least six major problems confronting the Intelligence Community that became apparent in 9/11 and still continue today.

First, there are major structural barriers to the performance of joint intelligence work. National intelligence is still organized around the collection disciplines of the home agencies, not the joint mission. The importance of integrated, all-source analysis cannot be overstated. Without it, it is not possible to “connect the dots.”

Second, there is a lack of common standards and practices across the foreign-domestic divide for the collection, processing, reporting, analyzing, and sharing of intelligence.

Third, there is divided management of national intelligence capabilities, between the Director of Central Intelligence and the Defense Department.

Fourth, the Director of Central Intelligence has a weak capacity to set priorities and move funds and other resources;

Fifth, the Director of Central Intelligence now has at least three jobs – running the CIA, running the Intelligence Community, and serving as the President’s Chief Intelligence Adviser. No one person can perform all three.

Finally, the Intelligence Community is too complex, and too secret. Its 15 agencies are governed by arcane rules. All of its money and most of its work are shielded from public scrutiny.

We come to the recommendation of a National Intelligence Director not because we want to create some new “czar” or new layer of bureaucracy to sit atop the existing bureaucracy. We come to this recommendation because we see it as the only way to effect what we believe is necessary: a complete transformation of the way the Intelligence Community does business.

We believe that the Intelligence Community needs joint analysis, joint collection and joint management of intelligence operations. The model here is the Goldwater-Nichols reforms. The collection agencies should have the same mission as the Armed Services do: they should organize, train and equip their personnel. Those intelligence professionals, in turn, should be assigned to unified joint commands, or in the language of the Intelligence Community, “National Intelligence Centers.” A national intelligence center on WMD and proliferation, for example, would bring together the imagery, signals, and HUMINT specialists, both collectors and analysts, who would work together jointly on behalf of the mission. All the resources of the community would be brought to bear on the key intelligence issues as identified by the National Intelligence Director.

We believe you cannot get the necessary transformation of the Intelligence Community--smashing the stovepipes and creating joint centers--unless you have a National Intelligence Director.

The National Intelligence Director needs authority over all intelligence community elements, including authority over personnel, information technology and security. Appropriations for intelligence should come to him, and he should have the authority to reprogram funds within and between intelligence agencies.

The National Intelligence Director would create, and then oversee the joint work done by the intelligence centers. He should have a small staff—about the size of the current Community Management Staff.

He would not be like other “czars” who get the title but have no meaningful authority. The National Intelligence Director would have real authority. He will control National Intelligence Program purse strings. He will have hire and fire authority over agency heads in the Intelligence Community. He will control the IT. He will have real “troops,” as the National Counterterrorism Center and all the National Intelligence Centers would report to him.

We concluded that the Intelligence Community just isn’t going to get its job done unless somebody is in charge. That is just not the case now, and we paid the price: information wasn’t shared, agencies didn’t work together. We have to—and can—do better as a government.

To underscore again, we support a National Intelligence Director not for the purpose of naming another Chief to sit on top of all the other Chiefs. We support the creation of this position because it is the only way to catalyze transformation in the Intelligence Community, and manage a transformed Community afterward.

### **The National Counterterrorism Center**

Our report details many unexploited opportunities to disrupt the 9/11 plot: failures to watchlist, failures to share information, failure to connect the dots. The story of Hazmi and Mihdhar in Kuala Lumpur in January 2000 is a telling example. We caught a glimpse of the future hijackers, but we lost their trail in Bangkok. Domestic officials were not informed until August, 2001 that Hazmi and Mihdhar had entered the United States. Late leads were pursued, but time ran out.

In this and in other examples, we find that no one was firmly in charge of managing the case. No one was able to draw relevant intelligence from anywhere within the government, assign responsibilities across the agencies (foreign or domestic), track progress and quickly bring obstacles up to a level where they could be resolved. No one was the quarterback. No one was calling the play. No one was assigning roles so that government agencies could execute as a team.

We believe the solution to this problem rests with the creation of a new institution, the National Counterterrorism Center. We believe, as Secretary Rumsfeld told us, that each of the agencies need to “give up some of their existing turf and authority in exchange for a stronger, faster, more efficient government wide joint effort.” We therefore propose a civilian-led unified joint command for counterterrorism. It would combine intelligence (what the military calls the J-2 function) with operational planning (what the military calls the J-3 function) in one agency, keeping overall policy direction where it belongs, in the hands of the President and the National Security Council.

Again, we consciously and deliberately draw on the military model, the Goldwater-Nichols model. We can and should learn from the successful reforms in the military two decades ago. We want all the government agencies which play a role in counterterrorism to work together in a unified command. We want them to work together as one team, in one fight against transnational terrorism.

The National Counterterrorism Center would build on the existing Terrorist Threat Integration Center, and replace it and other terrorism “fusion centers” within the government with one, unified center.

The NCTC would have tasking authority on counterterrorism for all collection and analysis across the government, across the foreign-domestic divide. It would be in charge of warning.

The NCTC would coordinate anti-terrorist operations across the government, but individual agencies would execute operations within their competences.

The NCTC’s chief would have control over the personnel assigned to the Center, and must have the right to concur in the choices of personnel to lead the operating entities of the departments and agencies focused on counterterrorism, specifically the top counterterrorism officials at the CIA, FBI, Defense and State Departments. The NCTC chief would report to the National Intelligence Director.

We appreciate that this is a new and difficult idea for those of us schooled in government of the 20<sup>th</sup> century. We won the Second World War and the Cold War because of the great departments of government – the State Department, the Defense Department, the CIA, the FBI – organized against clear nation-state adversaries. Today, we face a transnational threat. It respects no boundaries, and makes no distinction between foreign and domestic. The enemy is resourceful, flexible and disciplined. We need a system of management that is as flexible and resourceful as is the enemy, a system that can bring all the resources of government to bear on the problem – and that can change and respond as the threat changes. We need a model of government that meets the needs of the 21<sup>st</sup> century. We believe the National Counterterrorist Center meets that test.

## **Unity of Effort in Sharing Information**

What we learned in the 9/11 story is that the U.S. government has access to a vast amount of information. But the government has weak systems for processing and using the information it possesses, especially across agency lines. Agencies live by the “need to know” rule and refuse to share. Each agency has its own computer system and its own security practices, outgrowths of the Cold War. In the 9/11 story we came to understand the huge costs of failing to share information across agency boundaries. Yet, in the current practices of government, security practices encourage overclassification.

We understand the critical importance of protecting sources and methods. We believe it is also important to share information. There are plenty of penalties for unauthorized disclosure; there are no punishments for *not* sharing information.

We believe that information procedures across the government need to be changed, to provide incentives for sharing.

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We believe the president needs to lead a government-wide effort to bring the major national security institutions into the information revolution. The president needs to lead the way and coordinate the resolution of the legal, policy and technical issues across agency lines so that information can be shared.

The model is a decentralized network. Agencies would still have their own databases, but those databases would be searchable across agency lines. In this system, secrets are protected through the design of the network that controls access to the data, not access to the network.

The point here is that no single agency can do this alone. One agency can modernize its stovepipe, but cannot design a system to replace it. Only presidential leadership can develop the necessary government-wide concepts and standards.

## **Response to Criticism of the Commission’s Recommendations**

Recently, this Committee and other committees of the Congress have heard testimony from many distinguished public servants and academics. Some witnesses have been critical of our call for the creation of a National Intelligence Director. One theme has been that an overall chief will stifle healthy dissent and competitive analysis. We disagree:

- No one should be satisfied with the status quo. No one can claim that the current structure fosters competitive analysis. Look at the groupthink on Iraq.
- The current system encourages groupthink because national analyses are, in most

- cases, produced by one group of analysts, at the CIA. There is no truly national intelligence center. I don't think I have to tell this distinguished panel how many times DIA's views – or other analytic perspectives – have gotten squeezed out. We deserve better than having DIA, INR and other important perspectives on national issues reduced to footnotes. If you like groupthink, keep the status quo.
- We believe our proposal will both strengthen analysis and enhance competitive analysis. Our proposal creates genuine national centers under the National Intelligence Director, not under the head of the CIA or organized by the CIA. DIA, NSA, and other analysts would sit right in the middle of the process. Their views would have to be reckoned into the core intelligence products. Their views would not be shunted to the periphery.
  - Arguments about competitive analysis sound a lot like arguments against organizing a Joint Chiefs of Staff in the 1940s and Goldwater-Nichols in the 1980s. That argument was something like “healthy competition between the services serves the nation.”
    - Who wants to turn back the clock today? Our military is more capable, more efficient, and more effective because of joint commands. Because of joint commands, our military performs far better today. So, too, will the intelligence community through joint mission centers. You can't have joint mission centers if you don't have a National Intelligence Director in charge that has the ability to create them.
  - Not all analysis would fall under the new Director. State, Treasury, Energy and the Army, Navy, Air Force and Marine Corps intelligence units would still report to their Cabinet Secretaries and Service Chiefs. They would be independent and able to access all the same data as the national intelligence centers operating under the NID.
  - A focus on open source information and the development of a new office or agency to collect and analyze solely open source information would also add to the competition of ideas on tough national security issues
  - To keep the bright line between policy and intelligence, there is no substitute for the integrity of the person selected for the job, no substitute for probing questions by policymakers, and no substitute for rigorous Congressional oversight.

Another worry voiced about this reform is that it would remove from the Secretary of Defense direct and immediate control over national intelligence assets that are critical to our warfighters. This is, of course, a legitimate concern.

- This is precisely why we believe one of the National Intelligence Director's deputies must be the Defense Department's Undersecretary for Intelligence. It is precisely his job to balance the great – but not limitless – intelligence resources of

the United States to satisfy the needs of the warfighter and the national policymaker.

- The intelligence community, as you know, has made considerable progress since the 1991 Gulf War in meeting the needs of the warfighter. Now it is time to harness this same dedication and effort so that the National Intelligence Director can better meet the needs of the national policymaker – and also provide for the needs of the military. It is unimaginable to us that the National Intelligence Director would not give protection of our forces deployed in the field a high priority.
- Let's be clear here: The warfighter must have tactical intelligence support. Our report takes no issue with tactical support. In fact, we believe a clear line needs to be drawn: all tactical intelligence programs should remain with the military.

Another question raised is with respect to the National Counterterrorism Center: does it interfere with the chain of command for military operations?

- The answer is no. The NCTC would not break the military chain of command.
- The NCTC would be like the J-3 for Operations in the Joint Staff. The J-3 is not part of the formal chain of command between the President, the Secretary of Defense, and the combatant commanders – but everyone agrees that joint operations planning is essential.
- The NCTC would develop joint plans for terrorism operations with military officers directly involved in that planning.
- If the Secretary of Defense didn't like the plan, the plan would change. Or, the head of the NCTC would have to bump this issue up to the National Security Council and the President for resolution.

Some have taken issue with our proposal that the National Intelligence Director and the National Counterterrorism Center be part of the Executive Office of the President.

- Our intent with this recommendation is to make the NID and the NCTC powerful forces in the government.
- We believe that the agencies will work together effectively on terrorism – our most important national security question -- only if they are working directly for, and directly under, the President. As a check and balance on this power, we believe both positions must be confirmed, and we believe there must be very strong Congressional oversight.
- We do not want to get too fixated on the location of boxes. The authorities are more important than the boxes. But if these new positions are not in the

Executive Office of the President, where do they go? We certainly do not believe they should be in the Defense Department or the CIA. It would be a mistake to subsume intelligence and operations planning within these organizations.

### **Recommendations Specific to the Defense Department**

Mr. Chairman, as you know, we have made many recommendations. We want to mention some that touch directly on the Department of Defense.

First, no terrorist sanctuaries:

- We agree with the President, and the Secretary of Defense, that we need to locate al Qaeda operatives, kill or capture them, and destroy their organization.
- What we would add here is that there are potential terrorist sanctuaries over a good piece of the globe. It is not just the Pakistan-Afghanistan border region. It is the Arabian Peninsula, the Horn of Africa. Southeast Asia, West Africa, and even some European cities with expatriate Muslim communities.
- Sometimes exactly the right policy tool will be a Predator with a Hellfire missile. But we also need to draw on the many other tools in our policy arsenal.
- Those tools include building strong diplomatic ties with countries threatened by al Qaeda penetration, building trust and cooperation. Those tools include military, intelligence and law enforcement training. They include targeted foreign assistance programs –drilling wells, building schools. They include creating educational and economic opportunity.
- We must not overdraw on our military forces. They are already stretched thin.

Second, we believe that lead responsibility for directing and executing paramilitary operations, whether clandestine or covert, should shift to the Defense Department.

- We believe there should be consolidated capabilities for the training, direction and execution of such operations. Those capabilities are already being developed in the Special Operations Command.
- In any operation where weapons greater than side arms are contemplated, we need military professionals in charge. Those professionals are at the Special Operations Command.
- As a government, we should organize, train, and equip one paramilitary capability – not two. Many CIA paramilitary operatives are former military and former Special Forces anyway. We need unity of effort within the government.

Third, we believe the Defense Department and its oversight Committees should regularly assess the adequacy of Northern Command's strategies and planning to defend the United States against military threats to the homeland.

- We have been assured that NORAD has now embraced the full mission of homeland defense.
- We believe this Committee and the Defense Department need to monitor the development of Northern Command carefully.
- In particular, we continue to be struck by the importance of training and exercises. There needs to be a better understanding of standard operating procedures for the military, the FAA and other civilian counterparts. We were just minutes away from shooting down the Governor of Kentucky over Washington. We need to do better.

### **Closing Comments**

Mr. Chairman, we believe reforms in the Executive branch, reforms in the Congress, as well as the many recommendations we did not present this morning -- on foreign policy, public diplomacy, border and transportation security, and national preparedness -- can make a significant difference in making America safer and more secure.

We believe that reforms of executive branch structures, in the absence of implementing the other reforms and recommendations in our report, will have significantly less value than the value of these reforms as a complete package. In short, while we welcome each step toward implementation of our recommendations, no one should be mistaken in believing that solving structural problems in the executive branch addresses completely, or even satisfactorily, the current terrorist threat we face.

We are gratified by the rapid response of the White House to our recommendations. We welcome the President's support for a National Intelligence Director, and a National Counterterrorism Center. We welcome the support of Senator Kerry.

We look forward to working with you on our recommendations.

We should seize this historic opportunity and move expeditiously. With your counsel and direction, we believe that the nation can, and will, make wise choices.

We would be pleased to respond to your questions.