

U.S. Senate Committee on Governmental Affairs  
Hearing on the 9/11 Commission's Recommendations  
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Testimony of R. James Woolsey

Madam Chairman, Members of the Committee, it is an honor to be asked to testify before you today on this important and timely issue. My testimony is on my own behalf and not on behalf of any institution with which I am affiliated.

The country has been well-served by the National Commission on Terrorist Attacks upon the United States (hereinafter the "9/11 Commission"). As a veteran of five national commissions myself, I would say that the Commission has done a thorough job investigating, pursuant to its charge from Congress, the "facts and circumstances relating to the terrorist attacks of September 11, 2001." As the Commission itself points out at the opening of its final report, its focus was "how did [the attack on 9/11] happen, and how can we avoid such tragedy again." Within this context it has done an excellent job, presenting the story of 9/11 in over 360 pages of clear prose - this alone is a substantial achievement. It additionally sets out, in its final two chapters, 41 specific recommendations, 28 regarding "what to do" (chapter 12) and 13 regarding "how to do it" (chapter 13). I will focus on these 41 recommendations.

Most of the Commission's recommendations are unexceptionable. I agree fully with all of the Commission's 28 recommendations in chapter 12 and similarly with seven of the 13 recommendations in chapter 13 - with respect to five of these latter, however, I believe important modifications are necessary; with only one do I totally disagree. To save time I will concentrate in this testimony on my differences with the Commission and on the limitations of its recommendations, the latter I believe largely imposed by the limited nature of the charge it was given.

Chapter 12: "What to Do. A Global Strategy"

No "Global Strategy"

This chapter's title to the contrary notwithstanding, the Commission does not recommend a "global strategy" for the war in which we are engaged. As is evident from the charge to the Commission and the preface of its final report, its assigned task was similar in many ways to the several commissions set up during WW II that assessed the Japanese attack at Pearl Harbor and ways to avoid such surprises in the future. Some of these earlier commissions' recommendations led to important organizational changes such as the creation of the CIA, but these commissions of six decades ago were neither capable of nor charged with recommending how to fight WW II: they did not make recommendations on such subjects as whether we should move first against Germany or Japan, whether to invade North Africa and then Italy before D-

Day, whether to provide massive military aid to the USSR, whether to by-pass major Japanese centers of strength in the Pacific in an island-hopping campaign, or whether to develop the atomic bomb.

Neither was the 9/11 Commission capable of or charged with developing a “global strategy” for the current war in which we are engaged, and it should not be surprising that it has not done so. But one wonders why the chapter containing its substantive recommendations is so titled. Reasonable as the Commission’s recommendations in this chapter are, they are very far from constituting a global strategy for the current war.

For example the recommendations do not deal at all with Iran, Iraq, Syria, or our oil dependence on the Middle East – four subjects that one would have thought a global strategy would at least have touched upon. Iran’s support for Hezbollah (the world’s most capable terrorist organization), Hezbollah’s history of attacks upon us over two decades, and the existence of Hezbollah cells in this country and in Latin America would seem to deserve attention in the recommendations – especially since Iran is in vigorous pursuit of nuclear weapons. The Commission seems focused exclusively on Sunni Islamists, in particular al Qaeda. This is understandable to a degree, but the next part of a war is not always like the previous one. Even within the context of preventing further terrorist attacks on the U.S., one would think that the Islamists of Tehran and their instrumentalities would deserve some attention. And a strategy to bring change to the Middle East in such a way as to make economies more broadly-based and conducive to job creation, and to reduce our vulnerability to coups or terrorist attacks there that would severely damage our economy, should at least mention the issue of oil dependence.

#### The Commission’s Recommendations on “What to Do”

Some of the substantive recommendations in this chapter are strategic in nature: there are four sensible recommendations about how to deal with terror sanctuaries, Pakistan, Afghanistan, and Saudi Arabia.

The five recommendations regarding what might be called alleviating root causes (e.g. communicate better, establish a youth fund, promote economic development) and another five proposing different types of international cooperation (e.g. counter WMD proliferation, track terrorist financing and travel) are generally sensible, as are seven essentially technical recommendations (e.g. biometric entry-exit screening at the border, better airport screening for explosives) and four dealing with first responders (e.g. improved communications, better radio spectrum allocation, general standards for private preparedness). But a number of the 21 recommendations in these four categories hardly reach the level of “strategic”.

There are three recommendations that, essentially, we should show balance (e.g. share information while safeguarding privacy, enhance executive branch power only

when necessary). Recommendations at these levels of generality do not give us much help in deciding issues that are important and now before us, such as: Should the federal government require birth dates from air passengers in order better to utilize data bases to identify individuals who might be terrorists? Or should police continue to be barred by local ordinances (as they are in many municipalities) from inquiring of immigration authorities about the immigration status of someone they have arrested for a state or local offense?

### A Broader Assessment of the Enemies

I believe that the reason these Commission recommendations, while individually reasonable, do not constitute anything like a comprehensive and coherent global strategy is that there is no thorough treatment in the Commission's report of our enemies, even those in the Middle East, even those based there who may attack us here at home. The Commission acknowledges that the current war is against more than terrorism, just as WW II in the Pacific was a war against more than Kamikazes, but it seems to assume that the only relevant enemy is al Qaeda because it is the organization that conducted the 9/11 attack.

Would that it were so. We unfortunately also need to pay attention to other totalitarian movements in the Middle East who are our enemies and to state activity, in particular that of Iran and those who do the ruling mullahs' bidding -- such as Hezbollah and Moqtada Sadr in Iraq. If Shi'ite Islamists (or secular Ba'athists) prevail in Iraq, the consequence will ultimately be severe for us, including an increased likelihood of attacks in this country. All three of these totalitarian movements are, in my view, part of the enemy we face. If the Commission wanted to construct a global strategy it would have been well advised to consider a more comprehensive assessment of our enemy than it apparently did, such as that contained in Paul Berman's remarkable recent work, "Terror and Liberalism".

### Enemies: A Case of Some Cooperative Effort

In its final report the Commission, wisely in my view, substantially backtracked from its early (and highly publicized) staff report's statement that there was no "collaborative relationship" between al Qaeda and the Iraqi Ba'athists when they were in power. The final report reaches a far more limited conclusion (on p. 66): that Iraqi Ba'athists and al Qaeda did not develop a "collaborative operational relationship" (emphasis added). This somewhat parallels the recent conclusion of the Senate Select Committee on Intelligence that Ba'athist Iraq and al Qaeda did not "ally" and had no "formal relationship" - that their relationship was "not close, but tactical".

This is an important issue not only with respect to the war in Iraq but because it can help us understand what future types of cooperation there might be between al Qaeda and other governments. What the press and the Commission have ignored, however, is the rest of what the Senate Select Committee said in its detailed discussion

of this issue in Chapter 12 of its recent report. Regarding cooperation other than that which would rise to the level of formality or alliance, the SSCI report mentions as “most disturbing” a “dozen or so” intelligence reports of, among other Iraqi-al Qaeda contacts in the 1990’s, Iraqi training of al-Qaeda in combat, bomb-making, and CBRN (chemical, biological, radiological, and nuclear) capabilities. It added that there was evidence of Iraq providing “safe haven” in Baghdad and the Northeastern Iraq and training in explosives, poisons, gases, and operational cooperation.” This expands upon what DCI Tenet had written to the Senate in October 2002 about Iraqi training of al Qaeda in poisons, gases, and conventional explosives.

The overall SSCI conclusion was that Saddam was “not averse” to enhancing al Qaeda’s “operational capabilities” even though he did “not endorse al Qaeda’s overall agenda” – the Committee added that the two movements’ “mutual suspicion was suborned by al Qaeda’s interest in Iraqi assistance and Baghdad’s interest in al-Qaeda’s anti-US attacks.”

The final report of the 9/11 Commission calls into question one of the reports of Iraqi assistance to al-Qaeda in “chemical weapons and explosives training” by noting (in footnote 76 on p. 470) that “the most detailed information” regarding Iraqi training of al Qaeda in these two types of weapons had come from an al Qaeda member who has now “recanted”, and that two other senior bin Laden associates have “adamantly denied” al Qaeda-Iraqi links. Yet this not only leaves open (and apparently unrecanted) the information about the many other types of training and assistance set out by the Senate Select Committee (including biological weapons training) it also does not contradict the less-detailed information about chemical weapons and explosives training cited by the Senate Committee. The 9/11 Commission also does not tell us when it thinks we should believe what senior bin Laden associates say in captivity and when we should not. In the case of the individual who recanted his detailed statement about chemical weapons and explosives training, to ask the classic cross-examination question of a witness who has changed his story: was he lying earlier or is he lying now?

A major question regarding the threat to us is whether we face only al Qaeda and other Sunni Islamists, or whether we are in a long war against several totalitarian enemies in the Middle East – a collection of enemies who, like Mafia families (or like Hitler and Stalin) hate each other and kill each other’s followers from time to time, but are perfectly capable of working together here and there (generally not on specific operations) to our detriment. I am of the latter view, but the main point is that we should not assume that the 9/11 Commission, charged with investigating an al Qaeda attack, explored this overall question effectively. Nor should we assume that the Commission has, in its threat analysis, provided us with a reasonable basis for “a global strategy”. In my judgment, on the issue of the threat to us, the Senate Select Committee has done a far better and more comprehensive job than the Commission.

## Chapter 13: How to Do It?

### The National Intelligence Director (NID) Issue

I concur with the Commission's most publicized recommendation (p. 411) to, essentially, split the current job of Director of Central Intelligence and give one individual responsibility for managing the Intelligence Community and serving as the President's chief advisor on intelligence (the National Intelligence Director, or NID) and to give another the responsibility for managing the Central Intelligence Agency. In all respects but one I think the Commission's analysis of this issue is quite sound. I also agree with the recommendations to establish a National Counterterrorism Center (NCTC) reporting to the NID, and with the thrust of the Commission's recommendations to have more focused oversight (involving fewer people) of both the Intelligence Community and the Department of Homeland Security.

The views of each of the three of us testifying here today are of course colored by our own experiences as DCI. I believe that some aspects of my experience could help the Committee make decisions about these matters so I will be specific about the nature of the relevant issues during my tenure (Feb. 1993 - Jan. 1995).

The Intelligence Community at the time the CIA was created in 1947, at least the portion of it dealing with national intelligence, was essentially no bigger than the CIA itself. There were no satellites, e.g., not even any U-2's. Today the Community (excluding joint and tactical DOD intelligence programs but including the major DOD agencies such as NSA) is about six times the size of the CIA. Also, there are serious issues for many in the Community when a DCI tries to make decisions, e.g., about a dispute between CIA and NSA since he heads one of the two parties to the dispute.

Further, in the field of terrorism, the need for integrating the management of foreign and domestic intelligence is clear. For the current DCI to do this would put the individual who heads the country's foreign clandestine collection (such activity frequently, of course, violates the laws of the country where such collection occurs) also in a supervisory role over domestic intelligence collection. The latter task is hard enough without those who do it bearing the added burden of being supervised by the head of the CIA, even if his or her decisions are entirely consistent with US law. The distinction was wittily put once by a friend of mine (a retired FBI Agent and Dallas Cowboys fan), whose husband was a CIA officer, when she said to him and me: "We're America's team, and you guys are the Oakland Raiders."

Moreover, as the Commission suggests, the person holding the current DCI job -- which requires managing the CIA, managing the Community (without really having the tools one needs therefore), and serving as the President's chief source of intelligence -- has more than a full-time job. These combined tasks might be barely manageable in terms of the time required for them when the DCI has a close working relationship with the President, a cordial relationship with all in the Congress who are interested in

intelligence, and particularly a close working relationship with all eight of the senior members of the four committees (including the Defense Appropriations Subcommittees) that oversee and approve the funds for the Intelligence Community.

In my case in 1993-95 I did not have a bad relationship with the President, but I basically had none at all – except for a few morning briefings during the administration’s first weeks and my attendance at most NSC meetings (which were frequently rather large affairs), I essentially had only two substantive meetings regarding intelligence with the President during my two years in the job. Although Vice President Gore did everything he could to help me with the Congress, my obvious lack of a relationship with the President had a substantial effect on my ability to manage the Community and obtain the funds from the Congress that we needed to function (it was the reason I decided to resign after two years). The heart of the problem was that I did not have eight close working relationships with our senior Congressional overseers, I had seven. The Chairman of the Senate Select Committee at the time, Senator Deconcini, and I saw very few matters alike.

Senator Deconcini’s and my disagreements, together with my lack of access to the President, meant that it took me a great deal of time to avoid or reverse decisions made by him or the staff reporting to him that I thought would seriously damage our intelligence capabilities. For example in 1993 Congress was in session 195 days, and I had 205 appointments on Capitol Hill – more than one a day. This was heavily because of the calls I had to make in order to avoid satellite programs being terminated, computers for NSA being cancelled, funds for Arabic and Farsi language instruction being zeroed, large numbers of CIA stations being closed overseas, all overseas penetration of foreign intelligence services being transferred to the FBI, etc. Some of these disputes I won, some I lost, but there were not enough hours in the day to deal with these responsibilities effectively and manage the CIA.

I believe that dealing with Congress, whether or not aggravated by the absence of a relationship with the President, would be easier for an NID to handle because he would not have the day-to-day responsibility of managing the CIA. The experience of 1993-95 also suggests to me the importance of the Commission’s recommendation to reduce the numbers of people on the Hill involved in oversight of the Intelligence Community. As I count there are now something in the neighborhood of 200, including the members and staff of the two Intelligence Committees and the members and staff of the two Defense Appropriations Subcommittees. Of the two solutions recommended by the Commission, I would strongly favor a joint intelligence committee organized along the lines of the old Joint Committee on Atomic Energy. In my experience the appropriations process for intelligence works well and I see no need to change it.

One issue that I see differently from the Commission is the nature of the control to be given to the NID over the rest of the community (most of its agencies now within DOD) with regard to personnel appointments and budget authority. Rather than the Commission’s approach, which essentially gives full control over both responsibilities

to the NID, I favor the formulation in Representative Jane Harman's original bill. It provides for joint appointment of senior managers in the DOD intelligence agencies (such as NSA) by the NID and the Secretary of Defense and, although it gives the NID a considerably greater right than the DCI now has to shift funds during budget execution for the national intelligence programs, it also gives the Secretary of Defense (and the Attorney General in some cases) the right to appeal these NID decisions to the President.

My experience was that DOD and the Intelligence Community had a good working relationship, that DOD was making good progress in integrating our national (not just tactical) intelligence collection systems with the needs of the operating military, and that this was basically not a broken relationship. As I read the Commission's report, the failure of DOD intelligence components was not central to the government's failure to be better prepared for 9/11. I see no reason to go further than to give the NID enough authority to lead the community in tasking of collection and to manage personnel and budget matters as set forth in the Harman bill, cooperatively with DOD. Neither in substance nor in terminology do we need an intelligence "Czar" - several centuries of stupidity, rigidity, and authoritarianism, followed by the victory of Bolshevism, is not a good model for the management of American intelligence.

#### Information Sharing and Security

The Commission's recommendations regarding greater information sharing, the "trusted information network", and the overall intelligence budget disclosure include some good ideas, but they generally tilt too far, in my view, toward disclosure and wide dissemination of intelligence. Sharing and security are, like liberty and equality, both positive values that unfortunately sometimes conflict. Sharing is fine if you're not sharing with the Walkers, Aldrich Ames, Robert Hanssen, or some idiot who just enjoys talking to the press about how we are intercepting bin Laden's satellite telephone calls. Hostile infiltration into our government, or for that matter blabbermouths, are not solely "Cold War assumptions" that are "no longer appropriate" as the Commission suggests (p. 417). Before it adopts the Commission's view that sharing should generally trump security it might want to look carefully at Wahhabi/Islamist infiltration into our prison chaplains and perhaps other parts of our government - in my view such infiltration should be treated seriously, and may be a larger, not a smaller, problem than during the Cold War.

Moreover, regarding wider intelligence sharing it is important to realize that the more one knows about the sources and methods by which a specific piece of intelligence was collected the better idea one will generally have about its value. Have we really broken the code in question, or is this purported intercept actually material we are being given by another country's intelligence service that is sometimes, but not always, reliable? Has the human source reported reliably before, and if so how often? Answers to these sorts of questions both help analysts understand better how to interpret intelligence and they also, if disclosed - and broad dissemination even within

a classified network increases the risks of disclosure to either a spy or a blabbermouth – can mean the death of a source or an intercepted communications link going silent.

Even the timing of a stolen or leaked report can risk such a loss, and this can be true even if the leak seems to indicate nothing about a source or method. For example an Israeli spy in Damascus some years ago was caught and killed because a bit of substance from one of his reports leaked to the Israeli press and Syrian counterintelligence understood after seeing the press story that, as of the time of the leak, only a very small number of people could have known the matter in question. Thus they were able to narrow down substantially the range of those who might know about the issue and that broke the case for them. Paying attention to timing of disclosures can be very valuable to those who are trying to undermine our intelligence collection.

To my mind the issue is not just how to share more widely but how to share wisely. I agree that the current system whereby a single intelligence agency dominates its own collection tasking and also holds closely what it collects is a form of “stovepiping” that needs to be reformed. But the NID needs to have different approaches for different parts of the intelligence process. Managing dissemination of intelligence is just part of the issue, and the approach toward whether there is uniformity or diversity within the Community should be different for different parts of the intelligence process.

#### Different Degrees of Central Management: A Range Between Uniformity and Diversity

At the front end of the process, development of new collection methods can benefit from a degree of competition between agencies and, within limits, freelancing and risk-taking should be encouraged. This is how, at the CIA in 1993-94, we developed rapidly and cheaply the small UAV (based on an older DARPA program) that then became the Predator in early 1995. The DOD UAV programs then were, in our view, taking too long and were too gold-plated. The NID should not stifle this competitive tradition within the intelligence community.

In tasking collection assets, intelligence customers should be consulted, not just the operators of the collection systems, and the views of all that are relevant taken into consideration.

In processing data, we need to move away from stovepipes, consistent with security.

In analyzing data and producing intelligence, some competition is not a bad thing. Much of intelligence is judgment, not clear information, and it is frequently a good idea to let a minority view be set forth in an analysis – even if most believe there is a low probability that the possibility suggested by the minority will occur.



Responsibly-developed judgments about a course of events that might be low-probability but would have a high impact should always get a hearing.

In dissemination, in contrast to the Commission's notion that "need to know" should be replaced by "need to share" I would prefer a system whereby need-to-know is constantly reviewed and enforced technically. But those who receive intelligence of some sensitive types, even if fewer in number than under the system suggested by the Commission, should be given enough detail that they can weigh its importance effectively. When I see press reports that we are listening into bin Laden's satellite telephone, my instinct is not to share signals intelligence more broadly but rather to return to a system of rigid control using just a few trusted analysts such as that used by the British during WW II to control the dissemination and exploitation of Enigma intercepts.

### Transferring Covert Paramilitary Action to the Pentagon: A Very Poor Idea

Finally, the one recommendation on which I completely disagree with the Commission is to transfer all paramilitary operations, clandestine and covert, to the Department of Defense. "Covert" paramilitary operations are those for which secrecy, or at least official deniability, needs to last after the military engagement. These cases are not common but can occasionally be necessary. For example, if we had been fighting alongside the Mujaheddin in Afghanistan in the 1980's rather than only supplying them with weapons the Soviets would almost certainly have learned about it – but their reaction would doubtless have been much angrier if they had been confronted officially. There are circumstances in which it is a good idea to let an enemy, not only friends and allies, save some face. For good reason, I believe, in the mid-70's all covert action, including paramilitary, became subject to the system of Presidentially-signed findings submitted to the Congress. We decided as a nation that we needed this kind of control over CIA covert action to ensure that the Agency was not a "rogue elephant" as Senator Church had called it, but was always operating at the behest of the President and with the knowledge of at least some portion of the Congress.

Clandestine military operations are different. Clandestine preparations, including deception, to mask a military operation in advance is as old as warfare, much older than the Trojan Horse. Under the current rules clandestine paramilitary operations (i.e. those that may require deception in advance) may readily be assigned to the armed forces if it is not necessary to maintain deniability after the fact. If covert paramilitary operations (requiring before-and-after deception) were assigned to the armed forces as the Commission recommends, not only would our military become the instrumentality through which we, essentially, lie about a past military operation, but there would be pressures for the military to become subject to the requirements for formal Presidential findings and CIA-type controls. There are some who advocate even under the current system that (non-covert) paramilitary operations by the Pentagon be subject to the full range of findings and CIA procedures. Subjecting our uniformed

Special Forces to these types of delays and controls would, in my view, severely restrict their potential effectiveness in the war in which we are engaged.

The Commission states that "measured in either money or people, the United States cannot afford to build two separate capabilities for carrying out secret military operations...." This statement is, in my view, quite extraordinary and quite false. The CIA's paramilitary force is neither large nor especially expensive. In any case, in the early 1960's, before Vietnam, this country was spending 9 per cent of GDP on defense and intelligence - that would amount to nearly a trillion dollars in today's terms, about double our current defense and intelligence budget. Affordability is not remotely an adequate reason for this unwise consolidation.

### Three Final Caveats

In general I believe the Commission has done a very good job of describing what went into our failure to prevent 9/11. It has made a number of good recommendations, a few that I believe should be modified - some substantially - and one very unwise one. But there are three major caveats we should keep in mind in making the changes the Commission recommends.

First, as stated above, quite likely because of the limited nature of the charge they were given the Commissioners have not come up with anything approximating a "global strategy" for the war we are in. Had that been the objective set for them they would almost certainly have needed to be augmented in their membership - e.g. with some individuals with career military and intelligence experience.

Second, since so much attention is paid to foreign intelligence in the Commission's Report it may be natural for some to draw the conclusion that with respect to 9/11, foreign intelligence is what principally failed. Yet as the Commission's narrative points out many aspects of our national defenses (and many aspects of our national common sense) participated in the 9/11 failure. DCI Tenet was, in my view, doing more over the last few years than anyone else to try to alert the country to the risk of terrorist attack - an attack that, admittedly, some foreign intelligence failures were partly responsible for.

It is important to remember that much of the preparation for 9/11 took place among very few individuals and in places where US foreign intelligence does not collect - such as the US and Germany. Also, satellites tell us very little about terrorists and signals intercepts tell us less and less the more we talk about them publicly and terrorists adjust the way they communicate. Thus although captured documents and computers, and arrests such as the recent ones in Pakistan, can be very informative, foreign intelligence that we collect may well not be at the heart of preventing the next attack because foreign intelligence may not be central to our understanding of our enemies' capabilities and intentions. Thus foreign intelligence reforms may have little leverage. It may be much more important whether a police officer is barred by a local

ordinance from checking out a tip from a citizen about, say, a Saudi visitor's immigration status. We are also going to have to rely more on doing vulnerability assessments of our own weaknesses, such as those in the electricity grid or port security, and building resilience into our many networks than on stealing secrets from terrorists that give us long advance warning of what they plan to attack.

Third, even within the field of foreign intelligence reform, changing wiring diagrams of organizations is a second-order issue. Intelligence organization can generally be discussed publicly so a number of people talk and write about it and that makes it seem important. But much more crucial, as former CIA officer Reuel Marc Gerecht has recently pointed out, are such questions as whether the CIA's Clandestine Service is adequately using Non-Official Cover (NOC) case officers to penetrate terrorist groups. This is the sort of important step, like many in intelligence, that is impossible to discuss in any detail in a public report and that could be implemented just as easily under the current organization or under a new wiring diagram. A number of countries that have fine intelligence services (the UK, Israel) have all sorts of different organizational structures for them. The right people can make any reasonably structured system work. I favor the establishment of an NID, but compared to many intelligence questions it is a secondary matter.

As I said at the outset, Madam Chairman, I believe the Commission has done a good job and within its limited mandate has made a number of useful recommendations. But like any group of individuals it is far from infallible. I would urge this Committee to regard its generally fine report as one important ingredient, but only one, in the Committee's deliberations.