

**Opening Statement for Chairman Joseph I. Lieberman  
Homeland Security and Governmental Affairs Committee  
“Intelligence Reform: The Lessons and Implications of the Christmas Day Attack, Part II”  
January 26, 2010**

The hearing will come to order. Good morning and welcome to this second in a series of hearings during which our Committee will examine how the intelligence reforms passed by Congress in the wake of the attack of 9-11 are working, and examine the reforms in light of recent terrorist attacks and the ongoing threat, and to determine what parts of what laws we passed earlier may perhaps need further reform so that we can fulfill our responsibility to protect the homeland security of the American people.

I want to just go back to last week’s first in the series of hearings before I focus on this one and say that I very much appreciated the fact that all of our witnesses in last week’s hearing – Director of National Intelligence Dennis Blair, Director of the National Counterterrorism Center Michael Leiter and Department of Homeland Security Secretary Janet Napolitano – acknowledged that mistakes were made with regard to the Christmas Day attack on the plane over Detroit, and all three of them offered to work with each other and with this Committee to make our existing multi-layered counterterrorist defenses quicker to react and harder to penetrate.

I thought Admiral Blair was especially forthright and I thank him for that. My guess is his forthrightness has probably brought him some criticism and made him the target of some displeasure, but it was definitely the right thing to do because he felt and he spoke in what he believed to be the national interest. It is self-evident that our homeland security intelligence and law enforcement agencies didn’t work as we on this Committee, and as Governor Kean and Congressman Hamilton in their work post-9/11, would’ve wanted those agencies to work. The point is that unless the people in charge admit that, as our three witnesses did last week, the problems will never be fixed. And when they do deal with their shortcomings forthrightly, we have some hope that the problems will be fixed, and obviously whatever mistakes were made will not recur again.

I do want to say that one of the most troubling revelations at our hearing last week was that none of the three witnesses was consulted before the Christmas Day bomber was turned over to our criminal courts, rather than to the military where I believe he should have been held, since he was trained, equipped and directed to attack America by Al Qaeda.

Since our hearing last week, Osama bin Laden himself has boasted of Al Qaeda’s sponsorship of the Christmas Day attack on America. And so, while Al Qaeda claims credit for this attack, Omar Farouk Abdulmutallab, whom I think we can fairly describe as a soldier of Al Qaeda, and obviously not an American citizen, now enjoys the Constitutional protections of an American citizen, including a lawyer who immediately counseled him to remain silent, even though he may have information that could protect the American people from another terrorist attack.

To me this is outrageous – a kind of “Alice in Wonderland” turn of the world of common sense on its head.

And that is why yesterday Sen. Collins and I wrote to Attorney General Holder and Deputy National Security Advisor Brennan, urging them to immediately turn Abdulmutallab over to the Department of Defense, where he can be held as an enemy combatant, as a prisoner of war, which he is, acknowledging with some certainty and gratitude that this also means that he will be held and given rights far in excess of what the Geneva Convention requires enemy combatants or prisoners of war be given. Senator Collins and I and our committee are going to stand tough with this and other aspects of it to make sure that this mistake, the failure to consult with intelligence and homeland security officials before deciding how to handle Abdulmutallab and then the decision to turn him over to the civilian courts, is ever made again.

I do believe our homeland security intelligence gathering and analysis have remarkably improved since the attacks of 9-11, and that the sharing of intelligence, as we said last week, at all levels of government is vastly improved. This is due in no small measure to the work of two gentlemen who we’re proud to have as our witnesses today: chairs of the 9-11 Commission, Governor Tom Kean and Congressman Lee Hamilton. The passage of the Intelligence Reform and Terrorism Prevention Act of 2004 has played a critical and extremely positive role in driving the changes that make the American people more secure today than we were on 9-11.

It’s the work of these two gentlemen that leads us in part to refer to the Act I just referred to as the 9-11 Commission Act. That’s the reason. The other reason is that it sounds a lot better than saying IRTPA, which is the acronym for the Act. The fact is that Act implemented most of the bipartisan recommendations of that Commission, and Governor Kean and Congressman Hamilton have been unique, not only in their bipartisan service on the Commission, but in continuing to track the implementation of their recommendations persistently over the last five years.

They are testifying before us today in their current capacity as co-chairs of the National Security Preparedness Group. I welcome both of you, and I thank you very much for your service.

Your Commission’s recommendations were comprehensive, both in terms of long-term actions we can and should take to blunt the terrorists’ appeal and to stop their ability to recruit, and also more short-term actions that we need to take to defend our nation against further attack.

One of the challenges revealed in our hearing last week was the overwhelming amount of information that is collected by our intelligence and law enforcement agencies for analysis. It has been estimated, as you gentlemen know, that the National Security Agency alone collects on a daily basis four times more information than is stored in the Library of Congress. Hard to imagine, but that’s how much is being collected.

I know Governor Kean and Congressman Hamilton have been considering this challenge and I’ll be interested to hear their thoughts on how we can better organize our intelligence

gathering and analysis efforts so that crucial information can be mined more quickly from the vast mountain of data we build. I mean, after 9-11, we were saying, correctly I believe, that the dots that we were collecting did not come together on the same board, as it were. I think now, thanks to your recommendations and the legislation that followed, the dots are coming together on the same board. But there's so many millions, billions of dots, the question is how do we see the patterns to help us act preemptively to stop attacks against our country?

Another question I'd like to explore in more detail with our witnesses relates to the authorities that we provided to the Director of National Intelligence and the National Counterterrorism Center in the 9/11 Commission Act. Bottom line question: do we need to give the DNI and the NCTC additional authorities, or do we need to push them harder to use the authorities they already have?

And again I know that the two of you have done some preliminary work on this and I look forward to the guidance that you can offer the Committee as we go forward with this series of hearings which is aimed at coming up with a report, a kind of status report, and perhaps recommendations for legislation or further executive action.

I cannot thank you enough for your unflagging efforts to secure our nation against terrorism, particularly Islamist terrorism – a rootless and shadowy enemy, driven by theological extremism and unbound by any sense of morality or respect for life. That's the challenge of our time and because of your extraordinary service, we are doing a lot better than we otherwise would have in meeting that challenge.

Senator Collins?