

TESTIMONY

**United States Senate
Committee on Government Affairs
United States Capitol
Washington, D. C.
Testimony of Gary Hart, co-chair, U.S. Commission on
National Security/21st Century
September 21,2001**

Distinguished Members of this Committee:

I appreciate the opportunity to present this testimony and thank you for conducting these hearings.

"Americans will become increasingly vulnerable to hostile attack on our homeland, and our military superiority will not entirely protect us. * * * Americans will likely die on American soil, possibly in large numbers." This was the first conclusion of our Commission after almost one year of investigation of what we called the "New World Coming", which we described in our first public report. That conclusion was delivered on September 15, 1999, almost exactly two years to the day before our prediction came true.

"The United States is today very poorly organized to design and implement any comprehensive strategy to protect the homeland," the Commission also concluded in its final public report on January 31,2001. Eight months later, regrettably, that same assessment is true. In light of the satanic events of last week, further delay in creating an effective national homeland defense capability would be nothing less than a massive breach of the public trust and an act of national folly.

Our Commission's mandate to perform the most sweeping review since 1947, of U.S. national security institutions and the environment in which they operate was carried out by 14 former public officials representing almost 300 person-years of public service. Our 50 specific recommendations for major, post-Cold war overhaul of national security doctrines, strategies, and structures were unanimously agreed to without dissent or negative vote.

Among those recommendations, of most immediate interest to this Committee and to the American people are these:

- First, The President should develop a comprehensive strategy to heighten America's ability to prevent and protect against all forms of attack on the homeland, and to respond to such attacks if prevention and protection fail;
- Second, the President should propose, and Congress should agree to create, a National Homeland Security Agency (NHSA) with responsibility for planning, coordinating, and integrating various U.S. government activities involved in homeland security. The Federal Emergency Management Agency (FEMA) should be a key building block in this effort;
- Third, The President should propose to Congress the transfer of the Customs Service, the Border Patrol, and Coast Guard to the National Homeland Security Agency, while preserving them as distinct entities;
- Fourth, the President should ensure that the National Intelligence Council: include homeland security and asymmetric threats as an area of analysis; assign that portfolio to a National Intelligence Officer; and produce National Intelligence Estimates on these threats;
- Fifth, the President should propose to Congress the establishment of an Assistant Secretary of Defense for Homeland Security within the Office of the Secretary of Defense, reporting directly to the Secretary;
- Sixth, the Secretary of Defense, at the President's direction, should make

homeland security a primary mission of the National Guard, and the Guard should be organized, properly trained, and adequately equipped to undertake that mission;

And, seventh, Congress should establish a special body to deal with homeland security issues, as has been done effectively with intelligence oversight. Members should be chosen for their expertise in foreign policy, defense, intelligence, law enforcement, and appropriations. This body should also include members of all relevant Congressional committees as well as ex-officio members from the leadership of both Houses of Congress.

Our Commission strongly believes that any lesser or more tenuous solution will merely perpetuate bureaucratic confusion and diffusion of responsibility. No homeland "Czar" can possibly hope to coordinate the almost hopeless dispersal of authority that currently characterizes the 40 or more agencies or elements of agencies with some piece of responsibility for protecting our homeland.

Even were our comprehensive approach adopted, it will take time to organize and put into effect. And even operating at maximum efficiency, a new Homeland Security Agency faces daunting odds. 340,000 vehicles cross our borders each day. 58,000 cargo shipments enter the United States each day. 1.3 million people cross our borders each day. Only one or two percent of those cargo shipments and vehicles are inspected by Customs.

Of those who have taken the trouble to read our recommendations and the reasons for them, some say we have gone too far toward creating an "Interior Ministry" and others say we have not gone far enough to incorporate intelligence, counter-intelligence, and military components. There are thoroughly debated reasons of Constitutional principle and practical effectiveness that caused us to strike the balance we did. The Homeland Security Agency should not have police or military authority. It should not be an intelligence collection agency or have responsibility for counter-terrorism. It should not be a military agency. It *should* be the central coordinating mechanism for anticipating, preventing, and responding to attacks on the homeland.

This is a daunting task. But we owe it to our children to begin. It would be a mistake of historic proportions to believe that protection must await retribution, that prevention of the next attack must await punishment for the last. We can and must do both. For like death itself, no man knoweth the day when he will be held accountable and none of us knows how quickly the next blow will be delivered. I believe it will be sooner rather than later. And we are still not prepared.

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