

Prepared Testimony For The Senate Committee on Governmental Affairs
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By Lieutenant General Patrick M. Hughes, U.S. Army, Retired

Senator Lieberman, Senator Thompson, other distinguished Senators:

I have been writing about and talking about intelligence issues affecting Homeland Security for several years. Following are key thoughts, ideas and opinions I have which are offered in the hope they may contribute to the defense of our nation and our people.

Please take my comments in the following context: What we do to secure our nation must be done both internally and externally. We are inextricably linked to the nations and peoples of the world and our collective well-being is interdependent with theirs. We cannot believe that we are alone. We are not. Thus we should seek to act together with others, for the benefit of our nation.

We should go abroad in the global context, as well as within our nation's borders and vital territory, and we should involve ourselves in the political, governmental, diplomatic, informational, technological, criminal and military representations of power, to seek out those who would strike us, and interdict them, stop them, dissuade them, provide alternatives to them, what ever will work, short of appeasement, to avoid future attacks. The reason we should do this is simple: We cannot afford to absorb the blows that are possible in the future. As bad as the attacks of 11 September 2001 were, as bad as the subsequent Anthrax attack was, these events are not as bad as future attacks may be. One can imagine the results of a nuclear explosion in a city or a more complex and dangerous biological or chemical attack on an unwarned and unsuspecting population, or any of the other horrendous but still possible scenarios we know about.

Thus I am making my comments today with a great sense of urgency, because the conditions are urgent. They compel me to believe that we are all now warned and aware, but still unsuspecting and unprepared, because it is in our nature to hope for the best. I too want to hope for the best but I take it as my work to warn you of the worst and to advise you on ways to avoid disaster.

The Department of Homeland Security should not develop and field an intelligence collection capability separate from the existing intelligence community structure. We have difficulty now in avoiding redundancy and duplicative effort and the addition of yet another "collection agency," would not help. However, the new Department could be directly involved in some especially sensitive or purposeful intelligence collection, in cooperation with an existing department or agency. This of course includes law enforcement in all of its manifestations, federal, state and local.

I do believe that Homeland Security should participate in intelligence community (IC), collection management and have tasking and feedback authority and attendant responsibilities.

The Department of Homeland Security should have a senior official appointed to do the work of intelligence included in its structure, reporting directly to the Department Secretary and concurrently "reporting" to the Director of Central Intelligence. This person should be a participating member of the IC senior leadership. This arrangement works in other parts of the IC structure now.

In general, the Department of Homeland Security should not separately develop or field sensors, sources, methods or collection capabilities apart from the existing U.S. IC or relevant elements of law enforcement, counterintelligence and security. Rather, it should have the power and authority to use and benefit from existing or developed capabilities, in partnership with those who have primary authority for the capability. There may be notable exceptions to this general policy but they should be truly exceptional and explained in detail to oversight and partner elements.

In order to work effectively in the existing structure of the United States government, the Department of Homeland

Security will require appropriate legislation to give it a charter and authority and responsibility. In the U.S. intelligence community the Department will require Presidential authorities in writing, and detailed written descriptions of its responsibilities and functions. This is no small undertaking and will require careful and dedicated work at the beginning to provide the construct of homeland security with a policy and procedural basis that is both workable and acceptable. I am sure this work is ongoing but I highlight it here because I know how important the details of this are.

The people who do the work of intelligence in the Department of Homeland Security should be accessed, trained and supported as well as we possibly can. They should also be held accountable. They should be the best, and we should give them the best tools to work with. This will cost money and will strain limited human and technical resources. So be it. We cannot afford otherwise.

Standing up the intelligence element of the Department of Homeland Security is not a zero-sum effort. Additional people and money must be allocated for this undertaking. The U.S. intelligence and law enforcement communities are stretched now to the breaking point. Taking resources from them may be possible on the margins but in my view this would only weaken what is already an inadequate resource base.

We have enlarged the battlespace by putting forth the concept of conducting a defensive and sometimes offensive “War against terrorism,” here in our homeland. This is not new so much as it is newly appreciated. To develop the mechanisms for an internally secure America we also must continue to attend to more traditional organized and technical threats from nation-states and alliances and coalitions that may form against us. We have not reduced the mission environment nor have we reduced the possibilities for external conflict merely by preparing for the threat to our homeland from terrorists and other antagonistic groups. The perception of the threat is broader and deeper than it was before 9-11. This has generated much patriotic fervor and much support for the government’s actions. Realistically we must provide additional resources to take on this “new” condition.

We have, in my view, failed to do the right things in the past to forestall the current set of circumstances and consequences we are responding to. This failure includes: our inadequate human intelligence gathering capabilities, hamstrung for years by cutbacks and resource shortfalls; an unwillingness, at the policy level to engage in risky operations; and a flawed set of recruiting, training, supporting and sustaining systems for our human intelligence professionals. I am hopeful that progress is now being made in this vital work but I cannot be sanguine about it because I have heard too many times before that we are fixing a problem that has long been identified and not fixed. This is, in part, a function of our national will to do the right things. The work of human intelligence is dirty, messy, and necessary. Without it we are unlikely to know what our enemies intend.

We have seen the rise of an extraordinary national technical capability to collect information in many realms. We have continued to focus on collection, notably remote collection, in a risk-averse policy climate, while failing to keep up with the requirements of this collected information to be processed, analyzed, prepared in contextual and technical forms that make sense, and delivered to the users as soon as possible so that the time-dependent demands of the intelligence will be addressed. This processing and analysis requires a very advanced set of automation and telecommunications capabilities, the best analytic tools we can acquire, and the best people we can coax to do this demanding work. We have not been able to get the operational and policy leadership of the many involved agencies and departments of government to understand this or to support it, or so it seems to me.

In the context of Homeland Security, I cannot see how a new departmental organization can be stood up and effectively operate without having in it the requisite processing, analytic and production capacity necessary to the tasks at hand.

I have recently written an article for a magazine in which I suggested that intelligence support for countering terrorism, in the context of Homeland Security, is akin to searching out criminals who are planning to act and interdicting them, before they act, more than it is about typical military or civilian intelligence directed against established nation-state or alliance opponents in conventional or even “traditional” unconventional warfare. Understanding this construct seems critical to the work of intelligence support since it is much different than the “typical military” context.

Warning times will be very short, evidence of an impending act may be slim, the number of people involved can be

comparatively small, and clarity is unlikely since extraordinary measures will be taken to conceal what is being planned or attempted. Invasive human presence inside the planning, decision, action, and support loops of the compartmented opponents we are faced with...seems vital. While this reinforces my view of the importance of invasive human intelligence it also reinforces the fact that technical intelligence of all kinds, appropriately targeted and focused, can provide important assistance and insight.

The main point I would like to make here is that merely a single or multiple intelligence discipline approach will not work. Every possible type of intelligence endeavor must be applied concurrently and synergistically in an all-source collection and all-source analytic environment, so that no stone goes unturned, no opportunity is missed, and no venomous snake is left alive, unless it suits our purpose. The Department of Homeland Security must have internal to its structure an adequate all-source analytic capability.

One of the most demanding tasks for the Department of Homeland Security will be to undertake to warn the citizens of the United States of an impending condition that threatens them. This functionally means that the information gathering and analytic processes note indicators that in some way communicate a condition worthy of warning. The mere fact of warning has compound effect and causes the expenditure of resources. There is an interactive dynamic involved here that is challenging in the best of times with the clearest information. When and about what do you warn the population? The "Chicken Little," syndrome will flourish in an environment of too frequent warning. If the public is warned, those who would attack us are warned too. Inadequate warning leads to the disasters we have suffered. The conundrum of whether or not to warn is dependent primarily on good intelligence applied to the circumstances extant, with good judgment. Setting up an effective, efficient and dependable warning system harkens back to the days of Civil Defense in the context of the threat from the former Soviet Union. But, this is quite different since the nature of the threat, time, space, and tempo of activity are so different. Solving this problem is already challenging and will become more difficult as time passes. The Indications and Warning (I&W) system needs our best effort.

A brief word about security. We should not allow, even in the name of freedom of the press, the open publication and public compromise of vital details of intelligence collection and production activities which, when they are compromised, give some advantage to our opponents. This has always been true in a declared state of war and substantial historical precedent exists for some form of control. In the context of the "War against terrorism," it seems that we cannot decide what must be protected and what can be compromised. Further it does not seem that we have an effective mechanism to examine some information ahead of time to determine if it will do harm to our national security. Perhaps the Congress can address this important problem. I don't think we can or should continue on the track we are now on where a terrorist can be informed by a newspaper that his private conversations have been collected, immediately change his mode of conversation, and in so doing deny us the information we need. This simply does not pass the common sense test.

On the other hand, appropriate authorities, especially the Congress, must have full access to the workings of the intelligence community so that they can exercise the kind of oversight, policy control and enforcement and accountability that we all know we need. Our legislative, judicial and executive constitutional check and balance system, working hand-in-hand with the media and other public interests, seems very capable of protecting the American people and informing them appropriately without damaging our vital capabilities by the unfettered compromise of secrets and activities upon which we depend.

The Homeland Security mission is a complex and demanding set of tasks and requirements, made even more complex by the competing demands of parallel and sister organizations and agencies and by the parochial interests of many different groups. I have come to believe that this sort of challenge can only be met and dealt with by continuing Presidential involvement, assisted by the willing cooperation of the involved heads of the many elements of government, including the Congress of the United States, the courts, and state and local governments.

The National Security Council Staff and the members of appropriate National Security Council elements should exercise policy development, oversight and guidance, but the operational and functional activities of the Department of Homeland Security should be separate and distinct from that oversight. We cannot afford to confuse roles and missions in this new pressing environment

The future can be secure. The new Department of Homeland Security can contribute much to that security. However, when one looks out at the threat, notably the threat from weapons with mass effects and adds to it the possibilities embodied in new science and new technology, then I believe we should generate an exceptional and urgent response to these threats. Complex, difficult, challenging, unpalatable, unacceptable...all the buzzwords apply. Unfortunately these emerging conditions are also real and present dangers, not imagined postulations. The response must be realistic and current too.

My heart is in this testimony as much as my mind. I have warned about these problems before and I have failed to garner adequate support or action. In speaking to you today it is my fervent hope that some idea or thought will help to better secure our nation. Thank you.