

WITNESS LIST

**TESTIMONY OF GEN (RET.) BARRY R. McCAFFREY
BEFORE THE SENATE COMMITTEE ON
GOVERNMENTAL AFFAIRS
ORGANIZING THE UNITED STATES GOVERNMENT TO
EFFECTIVELY PROTECT AMERICA'S HOMELAND
AGAINST TERRORISM**

October 12, 2001

Chairman Lieberman, Ranking Member Thompson and Members of the Committee, thank you for the invitation to appear before you today to discuss how we can best organize our nation to effectively deal with the threat of terrorism to our homeland. Mr. Chairman and Senator Thompson, allow me to also thank you for the hard work, good counsel and strong support that you have provided over the years in the fight against terrorism. This Committee helped lead the Congress and the country in responding to the terrible atrocities of September 11th, 2001. The entire nation appreciates your leadership in the face of this crisis.

Before turning to the substance of today's hearing allow me to recognize Rob Housman of the law firm Bracewell & Patterson, who served as my assistant director for strategic planning at the White House Drug Policy Office. Rob's firm has generously allowed him to help me prepare this testimony.

INTRODUCTION

The Bush Administration deserves enormous credit for how it is taking the fight to these terrorists. The President and Secretary Powell have reached out to the international community to secure the backing of the civilized world for our just actions. The FBI and the rest of law enforcement and intelligence community are patiently unwinding the webs of terror back to their sources. The brave men and women of our Armed Services are now methodically dismantling Usama Bin Laden's Al Qaeda network and the Taliban regime. We will attempt to attack their communications systems, alternately listening, jamming, and spoofing them. We will freeze their funds. We have begun to destroy their airfields and anti-aircraft installations. Our planes now operate around the clock with near total impunity dropping ordnance on any target of value that dares to raise its head. Through food, medicine and leaflet drops we are reassuring the suffering Afghan people that our quarrel isn't with them, but with the terrorists and those who aid and abet them. These dangerous fanatics are being forced to scramble for survival and prevented from regaining command and control of the terrorist network. In the coming months and years, our forces will attempt to isolate and eliminate this threat to the American people and our Allies.

Today, many Americans take comfort in the roar of our fighter jets flying air CAP patrols in the skies over head. Usama Bin Laden and his terrorists now are also hearing the thunder of our fighters and bombers—only the roar has a vastly different meaning to them than it does to us Americans.

The Administration should also be credited for understanding that the 40-plus government agencies that have a role in fighting terrorism need a new level of coordination in order to respond rapidly and effectively to this threat. The general idea of providing a single office to shape our Homeland Security policies and ensure we are capable of deterring, preventing and defeating terrorism is not only sound, it is long overdue. The President and his team should be congratulated for moving so swiftly to form the Office of Homeland Security.

Governor Ridge is superbly qualified to head this new agency. He is a highly decorated, combat-tested Army infantry sergeant who served on the frontlines in Vietnam—my own personal experience in Vietnam reminds me that it was our dedicated young NCO's, like Governor Ridge, who safeguarded the soldiers under their command and pushed ahead to fulfill the missions required of them. The Governor is also a lawyer and a former prosecutor. He knows full well what justice requires in the face of acts of terror. He brings great political savvy and executive experience from his service in the Congress and as the governor of Pennsylvania. Governor Ridge has the confidence and commitment of not only the President and the Administration, but of the Congress and both parties. Most importantly, the Governor enjoys the complete support of the American people.

In addition, the recent appointment of retired General Wayne Downing fills me with added confidence in our future security. He is the single most knowledgeable, resourceful and battle hardened special operations leader in America today.

The purpose of this testimony is to discuss how this new Office of Homeland Security should be structured to enable Governor Ridge and his successors to most effectively discharge their responsibilities. **Part I** provides an **overview of the challenge** we face in securing our homeland **from the threat of terrorism**. **Part II** discusses why the **Office of National Drug Control Policy's framework provides a sound model for this new office**. **Part III** outlines the **basic elements necessary for an effective Office** of Homeland Security. **Part IV** sets out a number of **key issues** that the Office of Homeland Security will need to grapple with early on.

I. THE CHALLENGE OF EFFECTIVELY RESPONDING TO TERRORISM

On September 11, 2001, simple boxcutters struck down two of the world's greatest skyscrapers and cut a hole deep into the symbol of American military might. More than 5,000 innocent Americans were killed without warning or reason. Our enemy demonstrated the ability to use the machinery of our prosperity and the openness of our democracy as weapons

against us. Never again.

That simple commitment—that this shall never happen again on American soil, or to American citizens—should not be taken lightly or absent a full understanding of the tasks ahead. Preventing this from ever happening again is a major and difficult undertaking.

The movements of a free people in an open society provide ample cover for terrorists:

America is a nation of over 281 million people, who live across more than 3.7 million square miles of territory.

Our borders span almost 20,000 miles, ranging from barren deserts to isolated coastlines to inner city blocks shared by sister-cities.

Last year, there were roughly 475 million crossings of individuals through our 301 ports of entry. Each year, roughly 23 million people enter the United States legally on tourist visas; 500,000 on student visas; and 250,000 on temporary work visas.

An additional four million people are now illegally in this country. Roughly 2 million of these illegal aliens defied the law and went to ground at the end of their visitor or student visas.

Incredibly, thousands of today's illegal aliens entered from nations known to harbor terrorism on student visas provided by our Department of State to allow them to study subjects like nuclear physics, chemical engineering, and commercial aviation.

The basic infrastructure and economy of our society provides countless soft targets for terrorists:

Last year, more than 1.6 million airplanes passed through the airspace of Washington, D.C. alone. Amtrak operates over 22,000 route miles of track. Amtrak's New York to Washington corridor each day carries enough passengers to fill 121 airline flights. The average annual ridership of the New York City subway system is 1.3 billion. Any plane, train, or bus could be used by terrorists to inflict damage and instill fear.

We have more than 2,800 power plants, including 104 that are nuclear powered.

Our energy infrastructure relies on more than 19,000 miles of interstate natural gas pipelines.

Our industrial base includes tens of thousands of chemical plants and other manufacturing facilities.

On the Internet and in public reading rooms we post the extent of the damage that can be inflicted by destroying each of our individual plants—handing terrorists a veritable “Dummies Guide” to attacking us. To the terrorist, our massive industrial base is a soft target rich environment with which to do harm to America.

Americans rely on roughly 54,000 individual community water systems. These systems generally have little more than a night watchman and cyclone fencing to safeguard us against deadly chemical and biological attacks.

We have countless skyscrapers, stadiums, monuments, churches, temples and other places of worship. These structures are where we work, play,

congregate, cheer and pray; to the terrorists these gathering places are potential killing fields.

We are dependent upon the Internet for everything from banking and stock trades to massive business deals. Many of these networks remain vulnerable. Vast quantities of critical information could be gone in the click of a cyber terrorist's mouse.

Our government is ill organized for this task:

The task of getting the scores of involved bureaucracies to set aside bureaucratic considerations and pull together is itself a major challenge.

More than 40 federal agencies have a role in the fight against terrorism. The combined federal counter-terrorism budget is approximately \$9.3 billion in fiscal year 2001.

On Capital Hill, 26 full committees and 17 subcommittees deal with homeland security matters.

At the same time, the Department of Defense has no office to assist in the defense of America's homeland.

America's domestic military defense is made up of the National Guard units of each in the 54 states and U.S. territories. These units are incredibly dedicated and yet modestly trained and inadequately equipped to combat the real threats of terrorism to our domestic population.

At the state and local level, thousands upon thousands of law enforcement, fire and rescue and emergency management personnel are the frontline units in this battle. However, the lines of coordination between the federal government and these state and local units are ill-defined and remain largely untested.

For example, our first response to a chemical or biological attack relies heavily upon some 54 state and territorial agencies utilizing more than 3,000 state and local health agencies, with minimal federal coordination

If Governor Ridge has only a small staff of detailees; no federal legislation outlining his job and the mechanisms by which he is to coordinate policy; no separate budget and budget certification authority; and, if he and his principal staff aren't legitimized by Senate confirmation, then, notwithstanding his own tremendous personal credibility and the commitment of the President, within one year he will be relegated to head of the Homeland Security speakers bureau. This job will require the legitimacy of power conferred only when a government agency is created and given a specific warrant of authority by Congressional legislation. Any other solution will soon lose its focus, bureaucratic leverage and independence of action.

II. THE ONDCP/AGENCY MODEL

A useful model for this Committee and the Congress to consider as it begins the process of strengthening the Office of Homeland Security is the Office of National Drug Control Policy (ONDCP) or "Agency" model as found in ONDCP's reauthorization Act of 1998 (21 U.S.C. §§ 1701, *et. seq.*).

A. APPLICABILITY OF THE ONDCP/AGENCY MODEL

The ONDCP/Agency model is worthy of consideration because of the striking parallels between the inter-related threats of drugs and terrorism:

Both threats require the careful coordination of large numbers of federal agencies, with well-established jurisdictional turfs.

Responding to each of these threats also requires coordinating nonfederal efforts, including both the public and private sectors.

The threat of terrorism and the threat of drugs both have international and domestic components. In addition to domestic efforts, an effective strategy against each of these threats requires a multinational response.

The primary vehicle for preventing, deterring and responding to individual acts of drug crime and terrorism is intelligence and law enforcement, backed by occasional but enormously important support from the military. Each of these threats are inter-related and feed off each other. Drug monies from the sale of opium and heroin fill the coffers of the Taliban and bankroll terrorist organizations around the world. The same financial institutions launder the ill-gotten gains of terror and drugs alike. This triangle of criminal trade exchanges money, drugs, and guns to fuel international violence and black markets.

B. BENEFITS OF THE ONDCP/AGENCY MODEL

The ONDCP model as currently found in that office's authorizing legislation, was the long-term product of at least two separate Administrations—one Democratic and one Republican—working in close collaboration with the Congress. In fact, a number of the members of this Committee have played a significant role in crafting the new ONDCP of today. This model has evolved over time and proven effective.

The key elements of the ONDCP/Agency model are:

A strong Cabinet-level agency within the Executive Office of the President. The agency is led by a director and selected senior staff that are subject to Senate confirmation. The director is also a member of the National Security Council for drug-related matters.

The senior staff of ONDCP is required by law to be wholly apolitical.

The agency is responsible for producing the Nation's Drug Control Strategy, and the accompanying counter-drug budget.

The director of ONDCP is provided the authority to decertify any agency's budget that fails to meet the requirements of the National Drug Control Strategy.

The agency is also responsible for producing a performance measurements of effectiveness (PME) system to track progress in reducing the threat of drugs to our nation.

ONDCP is independently accountable to the Congress and the public and must regularly report out on how it is carrying out its responsibilities.

The agency is provided the resources necessary to get the job done through its own budget and dedicated staff (including, in particular, its own strategic planning, budget, public affairs and Congressional affairs staffs).

The director is empowered to call inter-agency meetings to address critical issues and threats.

And, most importantly, all these powers and responsibilities are specifically

set out in statute.

Over the last five years this model has worked remarkably well, especially given the nature of the drug threat:

According to 2000 data, drug use among children ages 12 to 17 declined 21 percent in just three-year's time.

The number of drug-related murders fell to the lowest point in over a decade—reaching a low point of less than half the 1989 high water mark. The number of drug courts jumped from a dozen to over 700 operating or coming online.

We dramatically increased the number of federal drug-related arrests, yet cut the number of arrests for low-level simple possession—in other words we better focused our enforcement resources on the upper echelons of the drug trafficking organizations.

Since fiscal year 1996, we increased the federal spending on drug prevention programs by 53 percent and on drug treatment 35 percent. During this period our overall federal counter-drug budget grew from \$13.8 billion to \$19.2 billion

This record of success demonstrates why the ONDCP/agency model is worth considering as the Congress and the Administration put in place an effective Office of Homeland Security.

C. THE ONDCP/AGENCY MODEL VERSUS THE DEPARTMENT MODEL

Over the last few days, a tremendous amount of attention has been brought to bear on whether this new office should be an agency (charged primarily with coordinating policies and overseeing budgets) or a department (charged with a series of operational responsibilities and made up of various other existing federal agencies brought under its umbrella).

There is no single bureaucratic solution to the threat of domestic terrorism. However, there are multiple options that might ensure failure. This office can be effectively conceived of either as an agency or a department, so long as it has the basic tools it needs to succeed, as described in the following section of this testimony.

That said, allow me to sound a note of caution. The United States faces the immediate, real and substantial threat of additional acts of terror even as we carry out our justified and measured actions to eliminate Usama Bin Laden and his terrorist network. Reconstituting vast elements of our federal government, incorporating complex federal agencies, with broad responsibilities and thousands of public servants, into a new department that can function effectively will take time. Such an exercise would divert the energies of this Committee, the Congress and the involved agencies away from defeating the terrorists and to what promises to be a bitter intramural battle over radically changing our complex government.

If the Congress determines that the best possible way to deal with these threats over the long-term is to reconfigure broad elements of our

government to create a new and important department, there will be time to do this in a reasoned and considered matter: when the dust has settled and the terrorists are a chronic not acute threat to our society.

For the immediate term, as we wage war against those who wish our nation harm, we should focus the bulk of our attentions on defeating this enemy.

III. REQUIREMENTS FOR AN EFFECTIVE OFFICE OF HOMELAND SECURITY

A. THE FORCE OF LAW

There can be no doubt that President Bush is firmly committed to the fight against terrorism and strongly supports Governor Ridge in his new position. However, as President Bush has rightly and repeatedly said, this is a long-term struggle that will transcend administrations.

Our government does best when it establishes institutions for the long haul, that are based on rationality, not personality. If we are committed to safeguarding our nation against terrorism now and forever—and not just punishing Usama Bin Laden and his ilk for their past barbarity—the Office of Homeland Security needs to be designed with the future in mind. The terms of this office—how its leadership is appointed, where its monies come from, what powers it wields, who it is accountable to—must have the permanence of law.

Any Cabinet member, current or former, will tell you how important it is to have the Commander-in-Chief in your corner. However, when push comes to shove it is even more important to have the law on your side.

B. THE TOOLS NECESSARY TO SUCCEED

In order to succeed, this new office needs to be able to: develop the nation's Homeland Security Strategy; oversee the budget; coordinate the development of federal policy; and, mobilize the American people and the Congress. And, it needs the assigned resources to carry out these three tasks.

1. The Ability to Effectively Coordinate all Homeland Security Policies and Programs

The ability to coordinate the actions of the many involved federal agencies requires five core components:

a. Responsibility for the National Strategy

The National Homeland Security Strategy proposed by President Bush should become the critical organizing mechanism by which our nation develops a unified approach to fighting terrorism. However, the purpose of this document is more than just coordination and organization. This Strategy should be viewed as a set of policy priorities, agreed to by all the involved agencies and crafted with the input of the Congress, nonfederal actors and the American people. These markers can then be used as a powerful tool to hold the feet of individual agencies and our government as a whole to the fire—to drive home a common commitment and force action.

b. Responsibility to Craft an Effective System for Tracking Progress

The Office of Homeland Security must also be able to hold the entire federal government responsible for real results. With a threat as great as terrorism it isn't enough to talk about inputs, we need to show output functions. For example, Secretary of Health and Human Services Thompson has committed to ensuring that the nation has 40 million doses of fresh smallpox vaccine available by next summer. At present, the Customs Service inspects less than 10 percent of all containers entering the United States. These numbers must be increased dramatically. These are examples of benchmarks by which we can and should measure progress.

The Homeland Office must be charged with developing a system to demonstrate progress in preventing, deterring and responding to terrorism. Over the long-term, this system of tracking progress will help this new office keep other, larger and longer-serving agencies on focus with the strategy and committed to this fight.

c. Responsibility to Report Out on Progress and Impediments

The Homeland Security Office must be required to independently report out, through the President, to the Congress and the American public on: the progress that is being made in protecting the American people from terrorism; and, any impediments to progress—whether bureaucratic, logistical, budgetary or technological. Such a report should be made on an annual basis. Every American has a stake in this fight; every American should know where we stand.

d. Authority to Convene Meetings for Inter-Agency Policy Formulation

The director of the Homeland Security Office should be empowered to convene meetings at the Cabinet and sub-Cabinet levels. This ability is vital to bringing all the involved agencies to the table to ensure that critical issues are addressed.

2. Authority to Review and Certify Budgets

I had the honor to serve under General Powell when he was the Chairman of the Joint Chiefs of Staff. In one of his many useful tutorials he told us: "don't show me your programs, show me your budget." A strategy without the resources is not worth the paper it is written on. The director of the Homeland Security Office needs the authority to independently decertify any agency budget that does not provide the resources needed to combat the threat of terrorism. This authority should only be subject to interventions by the Director of the Office of Management and Budget, as the President's current plan provides.

Not only are budget certification powers required to ensure sufficient resources, they also play a critical role in policy-making. The ability to

decertify an agency's budget is the nuclear weapon of policy-making—it isn't something you can use often, but the mere fact that it is in your arsenal guarantees you are taken seriously. If you want to see another agency get with the program fast, just articulate the possible decertification of its budget.

3. The Indigenous Resources Required to Fulfill These Missions

To fulfill these missions of the Homeland Security Office, this new agency must have its own staff and its own budget. If the bulk of its staff is made up of detailees who carry with them the baggage of their home agencies, and whose future job promotions rest with their home agency superiors, the Office of Homeland Security will be seriously hamstrung. Similarly, if this new agency is dependent upon the budgetary whims and largesse of other government offices for its own funding, it cannot be expected to effectively tackle contentious issues. This office requires its own Congressional relations, public affairs and strategic planning staff. There are those who rolled their eyes when Governor Ridge requested, first off, a speechwriter and spokesperson. Rather, they should have applauded him for his foresight and encouraged him to go further. He will be the principle spokesperson for the President to the Congress and the American people.

IV. PRIORITIES FOR THE OFFICE OF HOMELAND SECURITY

As this Committee and the Congress provides the Office of Homeland Security with the legal standing and tools it needs, it is also entirely appropriate for the legislature to give guidance about the priorities it sees for the office. The following suggestions outline what some of those priorities might be.

A. SECURING OUR NATION'S BORDERS

The federal law enforcement presence along the thousands of miles of international border between the United States and our neighboring states, Canada and Mexico, lack anything but a modest capability to simply monitor the millions of illegal entrants who flood into the nation each year. While most migrants come in search of freedom and economic opportunity, many of them come with criminal intent.

Our federal border law enforcement agencies are asked to enforce our laws in cooperation with our global economic partners. These men and women are well-trained, dedicated professionals, who work tirelessly to protect us under frequently appalling conditions of personal danger. However, these agencies are grossly undermanned, under-funded and lack the necessary technologies and intelligence support. Their organizational structures and doctrine are woefully out of step with contemporary security challenges.

Although we have doubled the size of the Border Patrol in the past decade, this agency is still incapable of enforcing law and order on our frontiers. We need a Border Patrol of 40,000-plus uniformed officers instead of the fewer than 10,000 officers we currently employ.

Our Customs Service is dedicated but poorly organized and resourced. They are overwhelmed by the requirements to enforce more than 400 U.S. laws and 34 international agreements on behalf of 40 other federal agencies—let alone ferret terrorist contraband from the millions of shipments entering our nation. At current levels, the Customs Service inspects less than 10 percent of all containers entering the United States—an individual terrorist, drug trafficker, arms runner or other criminal stands a 90 percent chance that his contraband will clear Customs unimpeded. With the use of new technologies, such as real-time tracking of U.S.-bound containers, and the cooperation of the legitimate shipping industry, the rate of inspections can be greatly increased and enforcement resources can be better targeted at the highest risk shipments. Such a system could be implemented for as little as \$200 million annually.

Similarly, the enormously professional and courageous men and women of the Coast Guard are struggling with obsolete ships and aircraft, and severe budget and personnel shortfalls. One of the simplest ways a terrorist group could deploy a weapon of mass destruction against cities like New York, Washington, D.C., Miami and San Francisco, would be to simply sail it into port.

Revitalizing the Coast Guard is critical to better protecting this nation from the threat of terror. Typically, the Coast Guard has employed about ten percent of its fleet to guarding America's ports; today, the Coast Guard is devoting two-thirds of its on station ships to that task. In the past, the Coast Guard has required little in the way of pre-screening for vessels entering American ports; today, the Coast Guard is checking crew manifests and ship registries for all ships making port calls. These expanded efforts are already over-taxing the resources of the current Coast Guard fleet.

Still, the most significant shortcoming in our air-land-sea border defenses is the total lack of a conceptual framework and the leadership to integrate our federal law enforcement effort. At each port of entry, on each sector of our land border, and in every maritime approach, there is no single federal officer in charge. Neither foreign officials nor U.S. local or state law enforcement officials can put their finger on a map and determine the name of a single federal coordinator for operations at that place. There is no common organizing scheme to the many federal agencies that are charged with these missions; no integrated intelligence or communications network; no common multi-agency infrastructure-development plan.

While the situation has improved markedly during the past five years thanks to increases in manpower and resources, institutional rivalries among our federal law enforcement agencies leave us with a fragmented security apparatus under uncertain leadership. Our borders are still dangerously porous to international criminal and terrorist organizations.

B. OVERSEEING AND POLICING IMMIGRATION

In addition to better securing our borders from contraband and illegal immigration, we must also increase the ability to monitor and oversee legal immigration. The State Department must revisit to whom it grants

permission to enter this nation legally and for what purposes. It is beyond comprehension that a person from a terrorist-sponsor state can obtain a student visa for courses of study in disciplines like chemical engineering, nuclear physics and civil aviation.

Similarly, the Immigration and Naturalization Service must be equipped to deal with both those who enter legally but under false pretenses and those who over stay or otherwise violate their visas. Today, we can track a car license plate or a credit card receipt, but our authorities cannot tell us that an individual from Iran or Sudan is now illegally in this country, has gone to ground, and is inquiring about how to fly a crop duster. This is nonsensical.

Congress can help here. The INS has developed, at the request of the Congress, a system called Coordinated Interagency Partnership Regulating International Students (CIPRIS), which would allow the INS to better track foreign student visa compliance and to make this information more readily available to the FBI, Border Patrol, and other agencies. However, this program has never been funded. Absent the tools it needs to get the job done, it is difficult to place much of the blame solely upon the INS.

C. STRENGTHENING AND REORGANIZING OUR DOMESTIC MILITARY CAPABILITIES

With respect to the threat of terrorism to our nation's homeland, the major shortfall of our domestic military response capabilities is that our superb National Guard is structured to be called up and deployed in the first days of a high intensity conflict. The National Guard, by and large, is well equipped and modestly trained for this overseas combat role, which costs the nation \$15.2 billion in fiscal year 2001. However, this is a role that was originally intended for military reserve components.

In contrast, the original purpose of the National Guard was to serve as joint federal-state domestic military response to a variety of threats, such as terrorism. (In fact, it wasn't until after the Spanish-American War that National Guard units could lawfully be deployed beyond the United States proper.) However, the Guard, as currently structured is not well prepared for this mission. The Guard should be reorganized and its force structure should be changed to best meet the requirements of a state-level response to terrorism and other domestic threats.

A restructured National Guard should become an integral component of our domestic emergency response forces. The Guard should be trained and equipped at the national level and then returned to the command and oversight of the individual governors (except under what should be rare and special circumstances where they are called by the President to federal duty). Over the long term, it will serve us well to have 54 state and territorial governors who wake up each day worried about the readiness of the Guard units under their command. We must effectively respond to the types of threats that these state leaders believe they are most likely to face.

For this reason, we do not need a "national" National Guard force, whereby,

for example, aviation assets are located in one state and chemical, biological, and nuclear assets are in yet another lone state. Instead, the Guard's force structure and numbers should be determined in relation to the general populations and expected needs of the individual states and without regard to political pressures.

Rather than equipping state National Guard units with significant numbers of, armor, artillery and attack helicopters—which are not likely to be used in the domestic context—each state's Guard package should focus on the more immediate needs of the states, such as:

Site protection by military police and light infantry battalions capable of ensuring order.

Light ground and aviation reconnaissance capabilities to provide federal, state and local leadership with a fuller understanding of any evolving threat. Medical support with field hospitals and medical staffs capable of stepping in when civilian assets are destroyed or overloaded.

Transportation units, including both truck, airlift, rotary lift and small boat/LCU to provide mobility;

Communications units to provide secure communications to allow for a coordinated response to any threat.

Combat engineering to reopen transportation routes, ports and airfields.

Fighter support to safeguard airspace, metropolitan areas and other potential terrorist targets.

Logistics units to provide emergency life support to domestic American refugees.

Chemical, biological and nuclear reconnaissance and decontamination units to counter any use of weapons of mass destruction (WMD).

Additionally, recognizing that there may be times when we need active duty military units to respond to a terrorist attack on our homeland, we need to ensure that our military is prepared to handle this contingency. For example, a biological attack on our homeland would likely require the immediate deployment of at least certain active duty units.

At present, the Department of Defense lacks a homeland command. The answer to this shortcoming, however, is not to go about creating an entirely new joint command and 4-star CINC to lead it. Instead the U.S. Joint Forces Command located in Norfolk, Virginia should be dual-hatted. The Army component of that command, FORSCOM, should be given the lead role, with North American Aerospace Command (NORAD), the Navy's Atlantic Fleet and the Air Force's Air Combat Command, in key supporting roles.

Moreover, the Posse Comitatus Act (18 U.S.C. § 1385), which limits domestic use of the military, may need to be reexamined on a limited basis in light of this possibility. While there are legal gymnastics we can do to avoid a literal violation of the Act, perhaps we should consider the issue more directly.

D. INCREASING OUR ABILITY TO RESPOND TO A WMD ATTACK

As the events of this week have underscored, the state-by-state deployment of an effective, domestic response to the use of WMD is of particular urgency. In my judgment, we must have this capability fully operational within one year in order to be ready to address a WMD attack to this nation. We should expect—and plan to prevent and respond to—such a WMD attack on America to occur sometime within the coming ten years—if it hasn't already occurred on a small-scale in Florida.

We would be foolhardy not to take this threat seriously. New evidence suggests that Usama Bin Laden has been training his fanatics in the use of chemical and biological weapons. The Iraqis are one of five state sponsors of terrorism who have actively researched and developed programs for biological, chemical, and nuclear warfare. They have previously murdered thousands of their own Kurdish population with chemical agents and employed chemical warfare in massed attacks against the Iranians during their seven-year war. We should expect these groups to actively consider the use of these weapons against us, our allies, and their regional neighbors.

Secretary Thompson is to be commended for his commitment to increase our stockpiles of small pox vaccine by 40 million doses by next summer, up from 2004 as originally planned. However, at the same time, the sole supplier of anthrax vaccine to the United States military cannot now produce the vaccine because it has repeatedly failed basic Food and Drug Administration inspections. We need a Department of Defense facility to produce these vaccines on an emergency basis. At the same time, we must dramatically improve our ability to protect our civilian populations over the immediate term, meaning months, not years.

We also need to swiftly and substantially increase our ability to respond to a chemical, biological or nuclear attack. While a range of factors work in our favor, limiting terrorist access to and in some cases the efficacy of these WMD weapons, we must prepare for the worst. We need to train and equip our federal, state and local political leaders, medical establishment, civilian law enforcement authorities and National Guard units to help them prevent and mitigate WMD attacks.

We must also invest in research to develop new technologies to assist us in more quickly and better identifying a WMD threat before widespread harm can be done.

E. IMPROVING INTELLIGENCE AND INTELLIGENCE SHARING

Our intelligence services are simply not adequate to the task of providing our policy-makers and operational agencies with timely and accurate estimates of terrorists' capabilities and intentions. The courage and dedication of our intelligence community is superb, and our technology is impressive. However, we have emasculated both our overseas intelligence-collection capability as well as that of our domestic law enforcement agencies with unbalanced restrictions on their freedom of action to penetrate and disrupt terrorist cells before they carry out their murderous plans.

This problem is likely to get worse before it gets better. For example, recent studies of the federal workforce have found that the ranks of field FBI agents will suffer great losses of experienced personnel in the coming years. With the number of these counter-intelligence and counter-terrorism trained agents already shrinking, and with demand for them from the private sector growing, we must find ways to better recruit and retain the best and the brightest.

The dedicated and courageous agents of the FBI are also struggling with woefully inadequate and outdated information technologies. The FBI's computers cannot in real time track the enormous amounts of information that is being mined. The American people would be astounded to learn that they have more flexible, capable and faster performance from their home computers than most agents can get from a computer workstation in an FBI field office. The FBI's recently announced Trilogy program, which will expand the Bureau's information processing capabilities, is, by all accounts, inadequate. These upgrades, limited by budgetary constraints, will still not be capable of processing the explosive growth of information that the agency must manage in routine investigations, let alone ones of this magnitude.

And, this information technology problem is not limited to the FBI. In January of 2000, the entire information infrastructure of the National Security Agency, the nation's premier high-tech spying capability, went dead when its computer systems crashed. For three and a half days our nation's intelligence community was largely blind and deaf. NSA Director Lt. General Hayden should be commended for his \$2 billion Project Groundbreaker, which will in short order bring that agency's information technologies up to speed. The FBI and other agencies would do well to follow the ambitious lead of the NSA.

We have reaped what we have sown by terrorizing the leaders of our own FBI, CIA, and NSA agencies for political self-protection. For example, FBI agents were aware of suspicious actions on the part of Zacarias Moussaoui, as early as August of this year—when he sought lessons for flying but not landing or taking off a jumbo jet. However, because of the legal impediments of the Foreign Intelligence Surveillance Act and the Attorney General's Guidelines, the FBI agents were prevented from searching his computer and launching a full-scale investigation—this despite warnings from French intelligence. In the wake of the World Trade Center and Pentagon attacks, agents were finally authorized to look more carefully at Mr. Moussaoui; investigators allegedly found information on crop dusting and wind patterns. He is now being detained as a “material witness.”

In sum, we lack a body of policy that enables our domestic and foreign intelligence services to aggressively discover and track criminal conspiracies and disrupt or preempt their actions. And, we lack the human and other resources needed to pursue such a policy.

Better intelligence produced and analyzed in a vacuum, however, is of no use. We also need to develop more effective ways of ensuring that the

information that is developed reaches the field where it can be used to prevent future terrorism and bring criminals to justice. In the counter-drug law enforcement world, ONDCP over the last five years has lead efforts to create mechanisms to ensure that federal intelligence was securely pushed down even to the street law enforcement. Such mechanisms also need to be developed in the area of Homeland Security. Here, we will need to go even further—at times, we may find it necessary to provide certain limited forms of intelligence information with the private sector, such as owner/operators of critical infrastructure, in order to prevent harm.

F. ENHANCING FEDERAL, STATE AND LOCAL COORDINATION

One of the most striking parallels between the fight against terrorism and the fight against drugs is the degree to which success in both of these struggles is dependent upon efforts at the state and local level. The first line of response to a chemical or biological attack is the local doctor, hospital and health authorities. As both the World Trade Center and Pentagon attacks demonstrated, the first responders to a bomb or other terrorist assault are the state and local law enforcement. However, on a nation-wide basis, coordination between the various levels of government is lacking. For example, we have no integrated means for various federal state and local first-responders to jointly exercise to prepare for terrorist attacks. Nor do we have adequate mechanisms for securely sharing federal intelligence and coordinating operations with state and local authorities.

Over the last five years, in the area of counter-drug policy we developed a range of mechanisms in both the prevention and law enforcement arenas to strengthen state and local anti-drug efforts and to better coordinate these efforts with federal programs.

We need similar mechanisms for homeland security. The federal government must assist states and localities in strengthening homeland security programs ranging from law enforcement and fire and rescue to logistics and healthcare. These strengthened state and local programs then need to be seamlessly integrated with our federal programs.

G. WORKING WITH THE PRIVATE SECTOR TO COMBAT TERRORISM

The terrorist who carried out the attacks of September 11th did not rely upon traditional weapons. Instead, they used commercial airliners as their bombs. In the wake of these attacks, the FBI has found some of the terrorists also inquired about using crop dusting planes. The terrorist weapons of tomorrow can just as easily be an oil refinery, cruise ship, or skyscraper's air conditioning unit as they may be a gun, bomb, or bug.

It is imperative that the new Office of Homeland Security work with the private sector to harden both the nation's critical infrastructure (e.g., stock exchanges, refineries, financial institutions, and air carriers) and those elements of our industrial base and infrastructure that can be used by the terrorists to inflict serious damage (e.g., stadiums).

We have taken steps over the last decade to protect our nation's infrastructure from use by terrorists. However, much remains to be done:

Under federal laws, chemical and refining plants still provide worst case scenarios to the general public that provide a detailed blueprint for how to attack these plants.

This month, a single shot from high powered rifle caused 285,600 gallons of crude oil to spill from the Trans-Alaska pipeline and shut the pipeline down for days—imagine what a terrorist bomb could do.

The decentralization of the telecommunications industry coupled with advances in encryption technologies and the legal limits on federal wiretaps, together provide terrorists and other criminals with much too secure communications capabilities.

Our international financial networks remain too easily available to terrorists, drug traffickers, organized crime, and others.

From the structural design of skyscrapers, to inadequate security at stadiums, to air conditioning units vulnerable to chemical or biological attack, our buildings were not designed with terrorism in prevention mind.

The recent report of the Graham Commission found that the security at our nation's ports is woefully inadequate.

Even with the President's plans to upgrade air security, we still have little or no ability to adequately control our airspace or deter terrorists with armed marshals and flight crews, as well as federally supervised passenger and baggage screening law enforcement personnel.

And, these are just a few of the immediately obvious problems we face.

We cannot allow the demands of security to fundamentally alter our way of life or grind our nation and its economy to a halt. Security in an open democracy is necessarily imperfect. However, in this grave new world, we all need to better incorporate security into our day-to-day lives and work. This must be a priority for the new Homeland Security Office.

CONCLUSION

Listen carefully in the October air and you can hear the mournful cries of our nation's war dead. The 634,140 military service men and women who gave their lives in the 20th century to keep the horror of 11 September away from our shores are in anguish. They died by the thousands in the surf at Tarawa, in the skies over Schweinfurt, in the muddy hell of the Argonne, wrapped in the frozen white emptiness of the Yalu, and on the killing grounds of the Ia Drang. They gave their lives so that America could live in peace and security, not in the conditions of despair, injustice, poverty, and physical terror that characterize the desperate existence of so many across the face of the globe.

Those Americans in political leadership over the past two decades have failed the American people. It did not have to be this way. The failure was not due to shortcomings in our fighting men and women. We did not lack courage and resolve among our police officers, firefighters and emergency medical technicians.

Instead, our shortcomings were a lack of leadership and sensible policy judgments by our democracy's political, economic, media, and military elites over the past 15 years. We were collectively incompetent in the face of growing mountains of evidence that our nation was increasingly at risk of catastrophic losses from terrorist attacks.

In Shakespeare's play Macbeth, the protagonist takes false comfort in the witches' veiled warning that he is safe until "Birnam Wood come to Dunsinane Hill." Not long after, Macbeth is shocked to learn the woods have in fact moved on his castle—the troops of Malcolm his enemy have cut the trees and used them as camouflage. The unthinkable has happened, the once peaceful woods have been turned into a weapon against Macbeth, just as the witches prophesized. However, he was warned all along.

In this same vein, experts have for years told us about the vulnerability of our nation to terrorist attack. We studied the situation with wise, perceptive groups of men and women. We issued calls to action, which were wittily debated by the American political leadership. We carefully examined the many reasons why any and all anti-terrorist policy measures would be ineffective or, worse, result in a counter-reaction to threaten a value we hold precious. We issued multiple calls and sent innumerable diplomatic warnings and demarches. But it stopped there. We failed to hold the terrorists and their state sponsors accountable in the only ways they understand.

A complicated, dangerous world demands American leadership, economic and military support, and intelligence cooperation. Each generation seemingly has to learn through bloodshed that freedom is never free. Sadly, this time the wake up call came at the expense of over 5,000 innocent lives—people who were simply going about their daily routines.

Our political leadership has taken the necessary first step in Afghanistan by holding both the terrorists and those who gave them refuge and comfort responsible. Afghanistan will be the "schwerpunkt" of what is likely to be a six-month campaign. Then, we will have to confront the threat of terrorism more broadly—wherever else it arises.

This strategy, combined with the improvements to our domestic ability to deter and respond to terrorist acts and our international ability to track and preempt terrorist networks will be neither short nor simple. Maintaining international consensus in the coming war against terrorism will demand skillful diplomacy; maintaining domestic resolve in the face of American casualties will be equally difficult. Both tasks will require strong, decisive leadership.

In order to succeed we must better organize ourselves to the task. There can be no doubt that Governor Ridge in his new role as director of the Office of Homeland Security enjoys the support of the President, the Congress and the American people. Nor can there be any question that he has the skills, dedication and determination required to help our nation prevail. The only question that remains is: will our political leadership give him the tools he

needs to get the job done?

Thank you once again Mr. Chairman and Ranking Member Thompson for the opportunity to appear before this Committee.

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