

Testimony of
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Before the
Senate Committee on Government Affairs

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Regarding
S. 1867, a bill to establish the
National Commission on Terrorist Attacks Upon the United States

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I. INTRODUCTION

Thank you, Mr. Chairman for the opportunity to testify today on S. 1867, a bill to establish the National Commission on Terrorist Attacks Upon the United States. My name is Dave McCurdy, and I am currently President of the Electronic Industries Alliance (EIA), a partnership of electronic and high tech associations and companies whose mission is to promote the market development and competitiveness of the industry. -

I am also a former Member of Congress from Oklahoma. During my 14-year tenure (1981-1995), I served as Chairman of the House Intelligence Committee, as well as Chairman of the Armed Services Subcommittee on Military Facilities and the Science Subcommittee on Aviation, Transportation and Materials. In addition, I have served as a member of the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction (WMD Commission; July 14, 1999).

The commission proposed in S. 1867 is charged with one of the most serious and significant tasks in our nation's history. In the aftermath of the September 11 attacks, the United States is united in its resolve to take the war to the terrorist organizations, as well as the countries that harbor and support them. Not since World War II has the country rallied and come together to face a common enemy, albeit an amorphous and insidious variety.

The most fundamental role and responsibility of government and Congress is to provide for our common defense. I commend President Bush, the Administration and Congress for the remarkable leadership and crisis-management we have witnessed since the September 11 attacks. I share the note of caution, that even though we have completed the first phase of this war by eliminating the Taliban and al-Qaida hold on Afghanistan, there is still much to be done to successfully prosecute the campaign against terrorism. It is imperative that nothing interferes with or impedes the prosecution of the war or efforts to bolster the defense of our homeland.

Nevertheless, the requirements of this ongoing war must be balanced with the right of Americans to know why our intelligence, defense and law enforcement agencies were unable to prevent the attacks. Without question, now is not the time to point fingers or look for scapegoats. But we must understand the causes, identify the weaknesses, and correct the lapses that allowed this catastrophe to occur. The American people deserve a forthright and complete accounting of the circumstances of that day. Above all, we must do all we can to ensure that such an attack never happens again.

There are five Senate and five House Committees that have jurisdiction and authority to conduct investigations and to review what happened. Arguably, there are even more, including this one. I certainly have the highest confidence in the leadership of these respective committees, particularly my former colleagues and current chairmen of the Intelligence Committees, Senator Graham and Congressman Goss and the Armed Services Committees Senator Levin and Congressman Stump. However, a commission has the advantage of being independent, singularly focused and able to work outside the glare of the media. For these reasons, I support forming a commission to investigate the terrorist attacks

upon the United States.

In my experience, commissions work because they are not constrained by arbitrary jurisdiction or turf-wars and thus have the ability to step back and take a more holistic view. In this instance, a commission can objectively collect facts, evaluate the evidence and review the mission and effectiveness of the federal, state, local and private organizations charged with our safety. Commissions are valuable because they are generally non-partisan and, when effectively chaired, seek consensus based recommendations and solutions. Operating an effective commission on the September 11 attacks will not be an easy task, but there already has been much valuable forensic work performed by the intelligence community, law enforcement and the media to build upon.

Based on my government experience with congressional committees, presidential and congressional commissions, and war games, as well as my private-sector experience in the technology industry, I believe there are numerous questions that this commission must investigate. It is especially important not to have pre-conceived notions, and in this case there are still many more questions than answers. These questions include, but are certainly not limited to the following:

- Is there a clear chain of command and authority?
- Who is responsible and accountable at each level?
 - Are the missions relevant and current?
- What are the organizational impediments to effective collection, analysis and dissemination of intelligence and information?
- Is technology being used to its fullest potential to provide effective information management?
- How much coordination is there between agencies?
- Was there clear direction from the command authority and managers?
 - What indications and warnings (I & W) mechanisms were in place, how effective are they?
- How do you detect the meaningful signals from the noise?
- What was the relative prioritization of effort and resources?
- Were the domestic and foreign intelligence services provided the tools and latitude they needed to preempt, deter and prevent atrocities?
- Were there individual lapses or omissions?
- What is the role of government versus private organizations?
- What are the standards for security in the airline industry and were they followed?
- What is being done to remedy the problems?

A priority for this commission must be to complement, rather than compete with the efforts of Congress. Similarly, cooperation with the relevant Executive branch agencies will be essential. I am confident that these issues can be worked through. Indeed, both Congress and the Administration deserve enormous credit for the actions which have already been taken, such as the establishment of the Homeland Security Office to improve coordination, the Patriot Act, and the airline security legislation. In addition, the President's budget proposal clearly makes homeland security a top priority. Still, this commission could serve a valuable role in looking at these additional measures and identifying areas that may require greater attention.

I am also confident that the failures that resulted in the terrorist strike will be revealed and addressed. But this outcome is not automatic. Bureaucracies have a natural tendency to prepare to "fight the last war" rather than the next one. A commission can be particularly helpful in taking a comprehensive view of the events of September 11, and fashioning recommendations that mitigate this tendency.

Charles Darwin observed that it is not the strongest nor the most intelligent that survive, but the ones most responsive to change. The September 11 attacks were brilliantly evil; they were entirely "outside the box" of what we thought likely. Now it is our turn to adapt. To win this new war, government must change how it thinks and acts and do a much better job of coordinating its assets.