

## TESTIMONY

### Testimony of Maurice Sonnenberg

U.S. Senate Committee on Governmental Affairs

Re: S.1867

February 7, 2002

I have been asked to testify today on the efficacy of the creation of a terrorist commission pursuant to Senate bill 1867.

A panel of this sort is of immeasurable importance in helping to better understand what basically were the factors that led up to the catastrophe of September 11. It also places into context journalistic sound bites such as “a failure of intelligence”. While these are catchy phrases they are gross generalizations designed to convey the impression that there must have been a systemic all encompassing failure on the part of the agency, the bureau and others in the intelligence community. There may have been weaknesses in the intelligence community, but a more comprehensive analysis should also focus on the role of several governmental institutions, among them the White House, Congress and the Department of Justice. When looking at these matters, the commission would also have to address such matters as impediments to law enforcement, immigration and border controls, financing of terrorist activities, intelligence sharing and so on.

The commission obviously must be established in a manner that supplements but does not replace the need for continued Congressional oversight. Nor can it be allowed to compromise security, both at the National Security Council and intelligence community level.

But now to the specifics of a commission. It will take some very talented people and a superior staff to assess information available both in open and classified sources. The individuals appointed to the commission should bring to the task a broad understanding of the subject as a whole rather than an overly detailed knowledge of a specific field. It goes without saying that everyone associated with the commission will require multiple clearances, especially in those instances where investigation hinges on matters related to covert operations.

The commission will also require a specific site location not known to the public. When we had our Terrorist Commission meetings, they were convened in an unknown location; we never had public hearings. Congressionally mandated, our members were appointed by the Majority and Minority leadership. As far as I know very few people knew the names of our members until after the report was published. We had no leaks. This, I might add, was true for the Commission on the Roles and Capabilities of the U.S. Intelligence Community and the President’s Foreign Intelligence Advisory Board. Another reason not to identify the membership is the real concern about possible threats and pressure as regards the security of commission staff and members.

Finally, let me say that you may wonder why after all of these events I still favor the setting up of a commission. First, I am certain the White House and/or some branch of the Legislature will establish one. Second, a commission of this sort will have substantial public consequences. The cynics will say all these commission reports wind up on the shelf. Most do. There is however a great difference regarding this

one. It is post-September 11. If well written and carefully conceived it will carry the gravitas and influence a study of this nature should have.

#### The National Commission Terrorism and the Hart-Rudman

Report had some influence in focusing many members of Congress, the media and the press on the subject. The prescience of those reports made them unique and totally relevant to the legislation that passed after September 11<sup>th</sup>.

A commission report on so called “failure of intelligence” can help to inform and educate the public to a better understanding of the complexity of this matter. This is not to say that a commission would be a font of wisdom, but it might, by its very making, keep the public focused on this problem that is not about to end soon, or for that matter in our lifetime. You can control terrorism but you will never totally eliminate it.

The sooner our citizenry is fully cognizant of this, the less likely it will lose its’ sense of purpose and resolve. That being the case, it is imperative that the public continue to be supportive of measures necessary to face this ongoing threat. This commission can be a valuable tool in this effort.

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