

PREPARING FOR THE WAR ON TERRORISM

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Thank you, Mr. Chairman, for the privilege and opportunity to testify before the Committee as it begins its important deliberations on this critical issue. As you know, I testified before the Subcommittee on National Security, Veterans Affairs, and International Relations of the House Committee on Government Reform in March 2001 on the need for a national strategy with which to combat terrorism.¹ Many of the same points I made then remain painfully germane to the topic I have been asked to address today. Accordingly, I hope that you will pardon the repetition of some of arguments and points that I previously raised in testimony before the Subcommittee. They are, however, sufficiently important and central to today's deliberations to warrant reiteration.

LAST WEEK'S TRAGIC EVENTS IN CONTEXT

The concept of proportionality has long governed American counterterrorist policy. Its American proponents argued, and our European and other regional allies expected, that our military response would be commensurate to the terrorist attack that provoked it. Thus, in 1986, when the Qaddafi regime was implicated in the bombing of a West Berlin discotheque frequented by American soldiers, the United States retaliated with airstrikes directed against Libyan military targets in Tripoli and Benghazi—including Qaddafi's living quarters—in an attempt to eliminate the Libyan leader himself. Similarly, in 1998, when Osama bin Laden, the renegade Saudi terrorist, was identified as the architect of the massive truck bombings of the American embassies in Kenya and Tanzania, the U.S. launched nearly 100 cruise missiles against his training camps in Afghanistan—also in

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¹ Bruce Hoffman, "Combating Terrorism: In Search of A National Strategy," 27 March 2001. This can be accessed at <http://www.rand.org/publications/CT/CT175/CT175.pdf>.

hopes of killing bin Laden—as well as against a pharmaceutical factory allegedly linked to bin Laden and believed to be manufacturing chemical weapons in the Sudan.

Two Americans had lost their lives in the discotheque bombing and twelve in Nairobi. In the latter case, the response may have been insufficient. But our situation today leaves no room for quibbling. By the time the rubble and debris is cleared from New York City's World Trade Center, the collapsed walls of the Pentagon are stabilized and the last of the bodies are retrieved from the field in rural Pennsylvania where a fourth suicide aircraft crashed, the death toll is likely to be exponentially higher. By contrast, until last Tuesday, a grand total of no more than 1,000 Americans had been killed by terrorists either in this country or abroad since 1968. The enormity and sheer scale of the simultaneous suicide attacks on September 11 dwarfs anything we have previously seen—either individually or in aggregate. It calls, unquestionably, for a proportionate response that will effectively harness the diverse and multi-faceted capabilities that the United States can bring to bear in combating this menace.

Clearly, military options are only one of many instruments at our disposal in the struggle against terrorism. Indeed, as the experiences of other countries enmeshed in such struggles have repeatedly shown, the failure to develop a comprehensive, fully coordinated strategy has often undermined, and even negated, their counterterrorism efforts. To be truly effective, a successful counterterrorist strategy must be sustained and prolonged—requiring commitment, political will and patience. It must have realistic goals and not unduly raise or create false expectations. And, finally, it must avoid cosmetic or “feel good” physical security measures. The solutions that we chose must have a lasting and demonstrably positive effect. Let us consider the various types of responses and the means necessary to ensure the achievement of the critical national security objectives defined by our leaders in recent days.

A CLEAR, COMPREHENSIVE AND COHERENT STRATEGY

It is inaccurate if not delusory, and to write off last Tuesday's tragic events simply as an intelligence failure. The problem is more complex and systemic than a deficiency of any single agency or component of our national security structure. Instead, it manifestly underscores the conspicuous absence of a national overarching strategy. As the Gilmore Commission noted in its first annual report to the President and the Congress in December 1999, the promulgation of a succession of policy documents and

presidential decision directives² neither equates to, nor can substitute for, a truly “comprehensive, fully coordinated national strategy.”³ In this respect, the variety of Federal agencies and programs concerned with counterterrorism still remain painfully fragmented and uncoordinated; with overlapping responsibilities, and lacking clear focus.

The articulation and development of such a strategy, as I observed to the Subcommittee in March, is not simply an intellectual exercise, but must be at the foundation of any effective counterterrorism policy. Failure to do so historically has undermined the counterterrorism efforts of other democratic nations: producing frustratingly ephemeral, if not sometimes, nugatory effects and, in some cases, proving counterproductive in actually reducing the threat. Accordingly, as last week’s attacks demonstrate, the continued absence of a national strategy seriously undermines our ability to effectively counter terrorism. What is now therefore clearly needed is a comprehensive effort that seeks to knit together more tightly, and provide greater organizational guidance and focus, to individual state and local preparedness and planning efforts within a national framework in order to minimize duplication and maximize coordination. Among the key findings of a 1992 RAND study that examined, through the use of select historical case studies,⁴ other countries’ experiences in countering terrorism was that the most effective structure is always one that is led by a specific, high-ranking individual with overall responsibility and authority over all elements and aspects of counter-terrorism operations.⁵ This is a point that the Gilmore Commission has also made. Its second annual report, published in December 2000, unequivocally recommended the “establishment of a senior level coordination entity in the Executive Office of the President . . . with responsibility for developing domestic and international policy and for coordinating the program and budget of the Federal government’s activities for combating terrorism.”⁶

²e.g., the “Five Year Interagency Counter-Terrorism Plan” and PDDs 39, 62 and 63.

³The Advisory Panel to Assess Domestic Response Capabilities For Terrorism Involving Weapons of Mass Destruction, *I. Assessing the Threat*, 15 December 1999, p. 56.

⁴Among the cases examined were the counterterrorist campaigns prosecuted by Britain, West Germany, and Italy.

⁵See Bruce Hoffman and Jennifer Morrison Taw, *A Strategic Framework for Countering Terrorism and Insurgency* (Santa Monica, CA: RAND, N-3506-DOS, 1992)pp. 136-140.

⁶ The Advisory Panel to Assess Domestic Response Capabilities For Terrorism Involving Weapons of Mass Destruction, *II. Toward a National Strategy for Combating Terrorism*, 15 December 2000, p. 7.

REGULAR FOREIGN AND DOMESTIC TERRORIST THREAT ASSESSMENTS

A critical prerequisite in framing such an integrated national strategy is the tasking of a comprehensive net assessment of the terrorist threat, both foreign and domestic, as it exists today and is likely to evolve in the future.⁷ The failure to conduct such comprehensive net assessments on a more regular basis is palpable. For example, the last comprehensive national intelligence estimate (NIE) regarding foreign terrorist threats in the United States—a prospective, forward-looking effort to predict and anticipate future terrorist trends directed at this country—was conducted in 1997. In light of last week’s events, it is clear that a re-assessment was long over-due. Indeed, the last, formal, comprehensive foreign terrorist assessment astonishingly was undertaken at the time of the 1990/91 Gulf War—nearly a decade ago. Although a new one was tasked this past summer and presumably was in the process of being finalized in recent weeks, given the profound changes in the nature, operations and mindset of terrorists we have seen in recent years, such an estimate was long over-due. Although the National Intelligence Council’s wide-ranging *Global Trends 2015* effort, published in December 2000, was a positive step in this direction, surprisingly minimal attention was paid to terrorism, in the published open-source version at least.⁸

INTELLIGENCE REFORM AND REORGANIZATION

We also need to be much more confident than we are that the U.S. intelligence community is correctly configured to counter the terrorist threats of today and tomorrow rather than yesterday. Our national security architecture is fundamentally a cold war-era artifice, created more than half a century ago to counter a specific threat from a specific country and a specific ideology. That architecture, which is oriented overwhelmingly

⁷This same argument has been made repeatedly by Henry L. Hinton, Jr., Assistant Comptroller General, National Security and International Affairs Division, U.S. General Accounting Office, before the Subcommittee on National Security, Veterans Affairs, and International Relations, Committee on Government Reform, U.S. House of Representatives in (1) “Combating Terrorism: Observation on Federal Spending to Combat Terrorism,” 11 March 1999; and (2) “Combating Terrorism: Observation on the Threat of Chemical and Biological Terrorism,” 20 October 1999; as well as by John Parachini in “Combating Terrorism: Assessing the Threat” before the same House subcommittee on 20 October 1999; and the Hinton testimony “Combating Terrorism: Observation on Biological Terrorism and Public Health Initiatives,” before the Senate Committee on Veterans' Affairs and Labor, Health and Human Services, Education, and Related Agencies Subcommittee, Senate Committee on Appropriations, GAO/T-NSIAD-99-12, General Accounting Office Washington, D.C., 16 March 1999.

⁸National Intelligence Council, *Global Trends 2015: A Dialogue About the Future With Non-government Experts*, December 2000.

towards military threats and hence to gathering military intelligence, was proven anachronistic with last Tuesday's devastating attacks carried out by non-state/non-military adversaries. However, its structure remains fundamentally unchanged since the immediate post-World War II period. An estimated 60% of the intelligence community's efforts, for example, are still focused on military intelligence pertaining to the standing armed forces of established nation-states.⁹ Eight of the 13 agencies responsible for intelligence collection report directly to the Secretary of Defense (whom also controls their budgets) rather than to the Director of Central of Intelligence.¹⁰ It is not surprising therefore that American's HUMINT (human intelligence) assets have proven so anemic given a military orientation that ineluctably feeds on technological intelligence such as MASINT (measurement and signal Intelligence), ELINT (electronic intelligence) and SIGNINT (signals intelligence) collected by spy satellites orbiting the planet. Given the emergence of formidable, transnational, non-state adversaries, and the lethally destructive threats that they clearly pose, this balance is no longer appropriate.

Indeed the emergence of a range of new adversaries, with different aims and motivations, that operate on a flat, more linear basis involving networks rather than stove-piped, rigid command and control hierarchies, underscores the need for a re-distribution of our intelligence collection efforts traditional military intelligence threats to the spectrum of enigmatic, non-traditional, non-military and non-state adversaries who now clearly pose a salient threat to our national security. The U.S. intelligence community's roughly \$30 billion budget is already greater than the national defense budgets of all but six countries in world.¹¹ Accordingly, a redistribution of emphasis, personnel, budgets and resources is needed to ensure that the U.S. is fully capable of responding to both current and future terrorist threats. At the very minimum, funding of key elements of our current counterterrorism efforts should be re-oriented towards

⁹Richard Stubbing, "Improving The Output of Intelligence Priorities, Managerial Changes and Funding," in Craig Eisendrath (ed.), *National Insecurity: U.S. Intelligence After the Cold War* (Philadelphia: Temple University Press, 2000), pp. 176 & 183.

¹⁰ Reporting to Secretary of Defense: 1. Defense Intelligence Agency, J-2 (through the Joint Chiefs of Staff); 2. Nine Unified/Regional Commands intelligence units; 3. Assistant Secretary for the Air Force for Space; 4. National Reconnaissance Office; 5. National Security Agency; 6. National Imagery and Mapping Agency; 7. Individual services' intelligence divisions (e.g., Deputy Chief of Intelligence, US Army; Chief of Naval Intelligence; US Air Force Intelligence); and, 8. Assistant Secretary of Defense's Office for C(3) I (Command, Control, Communications, Coordination and Intelligence).

Reporting to Director, Central Intelligence: 1. CIA; 2. State Department's Bureau of Intelligence and Research; 3. Justice Department/FBI, National Security Division; 4. Treasury Department, Office of Intelligence Support; and 5. Energy Department, Office of Energy Intelligence.

¹¹Stubbing, "Improving The Output of Intelligence Priorities," p. 172.

providing sustained, multi-year budgets that will encourage the development of longer-term, systematic approaches, as opposed to the current year-to-year process.

The country's anachronistic intelligence architecture has also created a dangerous gap in our national defenses. The CIA, of course, is responsible for foreign intelligence collection and assessment and by law is prohibited from operating within the U.S. Domestic counterterrorism, accordingly, falls within the purview of the FBI. The FBI, however, is primarily a law enforcement and investigative, not an intelligence agency. Moreover, its investigative activities embrace a broad spectrum—perhaps too broad a spectrum—that includes kidnapping, bank robberies, counter-espionage, serial killings and other even more prosaic crimes in addition to countering terrorism. The time may be ripe for some new, “out-of-the-box” thinking that would go beyond simple bureaucratic fixes and embrace a radical re-structuring of our domestic counter-terrorism capabilities. For example, just as the narcotics problem is regarded in the U.S. as so serious a problem and so a great a threat to our national security that we have a separate, uniquely oriented, individual agency specifically dedicated to counter-narcotics—the Drug Enforcement Agency (DEA)—we should consider creating a similar organization committed exclusively to counter-terrorism.

AVIATION SECURITY

At the end of the day, all the above efforts will be for naught if we cannot be reasonably confident that the nation's physical security measures—the main breaches in our defenses as revealed last Tuesday—are redressed. The time for cosmetic or superficial fixes at America's airports is over. Henceforth, we must ensure that the processes in place, even if not foolproof, address the mistakes of the last week. To be effective these measures will have to go well beyond the stopgap measures currently proposed by the Federal Aviation Administration (which have been mostly limited to, for example, banning curb side luggage check-in and eliminating electronic tickets) and which now must show some real teeth.

This process should begin by ending the use of poorly paid, unmotivated, often inadequately screened contract private security staff who man the x-ray machines and metal detectors at the nation's airports. They must be replaced with sworn law enforcement officers, who would be part of a new uniform federal police force similar to the Federal Protective Service, who now guard America's public buildings. Members of this force would be subject to thorough background checks and be properly trained, paid and motivated to screen passengers before they are allowed to board their flights. They

would be expected to conform to high federal law enforcement standards, would be armed and would thus provide a meaningful first-line defense.

CONCLUDING THOUGHTS

Based on a firm appreciation of terrorism threats, both foreign and domestic, an overarching strategy should now be developed that ensures that the U.S. is capable of responding across the *entire* technological spectrum of potential adversarial attacks. The focus of U.S. counterterrorism policy in recent years has arguably been too weighted towards the “high end” threats from biological and chemical weapons and was based mainly on planning for extreme worst-case scenarios.¹² This approach seemed to assume that, by focusing on “worst-case” scenarios involving these more exotic weapons, any less serious incident involving a different, even less sophisticated weapon, could be addressed simply by planning for the most catastrophic event. Such an assumption ignored the possibility that these less catastrophic, though still high casualty incidents, might present unique challenges of their own. The consensus from a series of first-hand interactions I had last year with state and local first responders from three different regions of the United States strongly implied—as last week’s events do—the shortcomings of this approach. At each of these training sessions, complaints were voiced repeatedly that state and local authorities were unable to use federal funds earmarked for the purchase of anti- and counterterrorism equipment to obtain essential life-saving equipment such as concrete cutters, diamond (glass) cutters, and thermal imaging, body-sensing devices that would aid in the rescue of victims in building collapses caused by bombings (or, for that matter, other man-made or natural disasters). Instead, these funds apparently could only be applied to orders involving a range of paraphernalia exclusive to addressing and handling “bioterrorism” situations.¹³

¹²This argument has similarly been expressed by Henry L. Hinton, Jr., Assistant Comptroller General, National Security and International Affairs Division, U.S. General Accounting Office, Before the Subcommittee on National Security, Veterans Affairs, and International Relations, Committee on Government Reform, U.S. House of Representatives in (1) “Combating Terrorism: Observation on Federal Spending to Combat Terrorism,” 11 March 1999; and (2) “Combating Terrorism: Observation on the Threat of Chemical and Biological Terrorism,” 20 October 1999; as well as by John Parachini in “Combating Terrorism: Assessing the Threat” and Brian Michael Jenkins in their respective testimony before the same House subcommittee on 20 October 1999.; and the Hinton testimony “Combating Terrorism: Observation on Biological Terrorism and Public Health Initiatives,” before the Senate Committee on Veterans' Affairs and Labor, Health and Human Services, Education, and Related Agencies Subcommittee, Senate Committee on Appropriations, GAO/T-NSIAD-99-12, General Accounting Office Washington, D.C., 16 March 1999.

¹³Discussions held with state and local first responders in Oklahoma (April 2000); Idaho (August 2000); and, Florida (August 2000).

Finally, it should be noted that none of the changes proposed in this testimony are quick fixes or magically conjured solutions to complex and longstanding problems. They all require time, resources and most of all political will and patience. Results will not come quickly. But by taking a comprehensive approach to the terrorist problem and fashioning a cohesive strategy to address it, the U.S. can avoid repeating the mistakes that facilitated last Tuesday's tragic events. The struggle against terrorism is never-ending. Similarly, our search for solutions and new approaches must be continuous and unyielding, proportional to the threat posed by our adversaries in both innovation and determination.