

Congressman Lee Hamilton
Bipartisan Policy Center
Testimony before the U.S. House Committee on Homeland Security
Hearing on “Threats to the American Homeland after Killing
Bin Laden: An Assessment”
May 25, 2011

I. Introduction

Mr. Chairman, Ranking Member Thompson, members of the Committee: I am pleased to have the opportunity to appear before you today. This Committee has been at the center of defending the country from the terrorist threat we face. I am deeply grateful to you for your sustained support of the 9/11 Commission’s recommendations and leadership in reforming our national security institutions. You have done a great deal to ensure we are taking the difficult steps necessary to confront this determined enemy and protect Americans, our allies, and people throughout the world.

Today, I am appearing in my capacity as a co-chair of the Bipartisan Policy Center’s National Security Preparedness Group (NSPG), a successor to the 9/11 Commission. Drawing on a strong roster of national security professionals, the NSPG works as an independent, bipartisan group to monitor the implementation of the 9/11 Commission’s recommendations and address other emerging national security issues.

I join in testifying today with two national security experts who also happen to be members of the NSPG, Fran Townsend and Peter Bergen. In addition to them, the NSPG is composed of:

Governor Tom Kean; Former Governor of New Jersey; Chairman of the 9/11 Commission; and Co-Chair of the National Security Preparedness Group;
The Honorable E. Spencer Abraham, Former U.S. Secretary of Energy and U.S. Senator from Michigan, The Abraham Group;
Dr. Stephen Flynn, President, Center for National Policy;
Dr. John Gannon, BAE Systems, former CIA Deputy Director for Intelligence, Chairman of the National Intelligence Council, and U.S. House Homeland Security Staff Director;
The Honorable Dan Glickman, former Secretary of Agriculture and U.S. Congressman;
Dr. Bruce Hoffman, Georgetown University terrorism specialist;
The Honorable Dave McCurdy, Former Congressman from Oklahoma and Chairman of the U.S. House Intelligence Committee, President of the American Gas Association;

The Honorable Edwin Meese III, Former U.S. Attorney General, Ronald Reagan Distinguished Fellow in Public Policy and Chairman of the Center for Legal and Judicial Studies at The Heritage Foundation;
The Honorable Tom Ridge, Former Governor of Pennsylvania and U.S. Secretary of Homeland Security, Senior Advisor at Deloitte Global LLP, Ridge Global;
The Honorable Richard L. Thornburgh, former U.S. Attorney General, Of Counsel at K&L Gates; and
The Honorable Jim Turner, Former Congressman from Texas and Ranking Member of the U.S. House Homeland Security Committee, Arnold and Porter, LLP.

In recent months, our group has sponsored the following events:

- BPC Domestic Intelligence Conference featuring FBI Director Mueller and DNI Director Clapper-October 2010.
- Bridge-Builder Breakfast: Addressing America's Intelligence Challenges in a Bipartisan Way with House Intelligence Committee Chairman Rogers and Ranking Member Ruppertsberger-March 2011.
- Press conference marking the release of the Bipartisan Policy Center's National Security Preparedness Group report, *Assessing the Terrorist Threat*-September 2010.

We will soon release another report with recommendations for improving initiatives to prevent violent radicalization in the United States.

We believe the depth of this group's experience on national security issues can be of assistance to you and the executive branch and we look forward to continuing to work with you.

II. Significant Progress Has Been Made in Addressing Threats to the American Homeland Since 9/11, Yet Important 9/11 Commission Recommendations Remain Unfulfilled

Effect of the 9/11 Attacks

The terrorist attacks of September 11, 2001 had a profoundly dramatic impact on government, the private sector, and our daily lives. The suddenness of the attacks on American soil and the loss of so many lives, made us feel vulnerable in our homes and caused us to question whether our government was properly organized to protect us from this lethal threat. The economic damage resulting from the attacks was severe. In short order, we shifted from a "peace dividend" at the end of the Cold War to the expenditure of massive amounts of taxpayer dollars on new security measures.

The consequences of the attacks for the private sector have been striking. More than 80% of our nation's critical infrastructure is owned by the private sector, and protecting it from terrorist operations has become an urgent priority. Working together, the government and private sector have improved their information sharing and thus our security posture.

Businesses in all sectors have adapted to this new reality. They have focused on how best to protect personnel and our food and water supplies; prepared continuity plans in preparation for possible disruptions; and altered how buildings are constructed, adopting innovative safety features. U.S. importers, working with the Department of Homeland Security, have pioneered new ways to ensure the integrity of shipping containers that bring goods into the country. The insurance industry's risk analysis has evolved to reflect new realities. These necessary innovations have increased the costs of doing business. Future innovations responding to the evolving threat may raise costs higher.

The Government's Response

Over the past ten years, our government's response to the challenge of transnational terrorism has been equally dramatic. Legal, policy, and cultural barriers between agencies created serious impediments to information sharing before the 9/11 attacks. The 9/11 Commission made a number of specific recommendations to improve information sharing across our government, and many of these have been accepted and implemented, in whole or in part.

Information sharing within the federal government, and among federal, state, local, and tribal authorities, and with allies, while not perfect, has been considerably improved since 9/11. The level of cooperation among all levels of government is higher than ever. The CIA, FBI, and the broader intelligence community have implemented significant reforms. In 2004, Congress created the Office of the Director of National Intelligence and the National Counterterrorism Center to ensure unity of effort in the Intelligence Community. This was a major step toward improved information sharing.

State and local officials have a far greater understanding not only of the threat and how to respond to it, but also, their communities and those who may be at risk of radicalization. There are now 105 Joint Terrorism Task Forces throughout the nation, and 72 Fusion Centers in which federal, state, local, and tribal authorities investigate terrorism leads and share information. Since 2004, DHS has provided more than \$340 million in funding to the Fusion Centers. Information sharing with the private sector has also become routine and is an important part of our defenses.

An enormous amount of intelligence information constantly pours into our national security system. And as evidence that there is still room for improvement in handling this information, we saw missed opportunities to stop the Christmas Day bomber from boarding Northwest Flight 253, as well as opportunities to intervene before the Fort Hood shootings. But as a result of reforms in the last decade, many plots have been disrupted and many terrorist operatives, including Osama bin Laden, have been brought to justice.

Unfulfilled 9/11 Commission Recommendations

Despite the progress in information sharing and in other areas, important 9/11 Commission recommendations remain unfulfilled. The 9/11 attacks demonstrated that teamwork, collaboration, and effective communications at the site of a disaster are critical. Movement has been made toward establishing a unity of command with one person in charge of directing the efforts of multiple agencies. I have heard, however, from too many community leaders and first responders that many regions still have not solved the problem of having a unified command structure.

There also has been inadequate progress in establishing interoperable communications for first responders. That is why it is vital that the government allocate an additional ten megahertz of radio spectrum to public safety that will enhance their ability to communicate during a disaster. I want to recognize the leadership that Chairman King and Ranking Member Thompson and many members of this Committee have shown in supporting a bill that will achieve this goal.

There have been improvements in transportation security and border security. However, transportation security technology still lags in its capability to screen passengers and baggage for concealed weapons and explosives. And several attempted attacks over the past two years perpetrated by terrorists who could have been detected by the U.S. immigration system demonstrate that a more streamlined terrorist watchlisting capability and improved information sharing between intelligence agencies and immigration authorities must be implemented.

One area of significant progress is the deployment of the biometric entry system known as US-VISIT. But a biometric exit component of US-VISIT to determine which foreign nationals have left the U.S. has not yet been deployed. If law enforcement and intelligence officials had known for certain in August and September 2001 that two of the 9/11 hijackers remained in the U.S., the search for them might have taken on greater urgency.

With respect to intelligence reform, the Director of National Intelligence has made progress in several areas: increased information sharing, better analysis of intelligence, improved cooperation among agencies, and sharpened collection

priorities. But it still is not clear that the DNI is the driving force for intelligence community integration that the Commission envisioned. Some ambiguity appears to remain with respect to the DNI's authority over budget and personnel. Strengthening the DNI's position in these areas would advance the unity of effort in intelligence, whether through legislation or with repeated declarations from the President that the DNI is the unequivocal leader of the intelligence community.

I also want to recognize that the FBI has gone through dramatic change and has had strong leadership under Director Mueller. It continues to move in a positive direction from a focus strictly on law enforcement to preventing terrorism. This is a significant cultural change that can be furthered by placing the status of intelligence analysts on par with special agents, who have traditionally risen to management at the Bureau.

The CIA has improved its intelligence analysis and removed barriers between its analysts and operations officers. But recruiting well-placed sources remains difficult and the CIA has had difficulty recruiting officers qualified with the language skills where there is the greatest need. Congress can help in the language area by supporting programs that teach young people proficiency in foreign languages.

A major disappointment has been the failure of the administration to empanel the Privacy and Civil Liberties Oversight Board. This was a major 9/11 Commission recommendation that was strongly supported by all Commissioners. At this time, the President has only nominated two members to serve on the five-member Board, and neither of them has been confirmed by the Senate. I commend Ranking Member Thompson and other members of the Committee for the letter that they sent to the administration about the Board's vacancies and encourage this Committee to continue to push the administration on this issue.

Another disappointment is the failure of Congress to reform oversight of the intelligence community and the Department of Homeland Security. The Commission recommended that Congress create a Joint Committee for Intelligence or create House and Senate Committees with the combined authorizing and appropriation powers. While these changes have not been implemented, a positive step was the House Intelligence Committee Chairman's commitment to include three members of the House Appropriations Committee in Intelligence Committee hearings and briefings.

As this Committee is well aware, oversight of the Department of Homeland Security remains fractured. In 2009 alone, DHS officials answered 11,680 letters, provided 2,058 briefings, and sent 232 witnesses to 166 hearings. This amounted to about 66 work years responding to questions from Congress, at a cost to taxpayers of about \$10 million. This is an inefficient allocation of limited resources needed to secure

our nation. Moreover, the massive department will be better integrated if there is integrated oversight.

III. The Capture of Osama Bin Laden and the Threat Picture after his Death

The Bin Laden Operation

The capture of Osama bin Laden is a significant achievement of the United States intelligence and military forces – the most significant achievement to date in our efforts to defeat al Qaeda. The raid took hard work, cooperation, vigilance, and tenacity, over a period of years. It involved surveillance, analysis of many bits of information, interceptions, and the extraordinary skills of our Special Operations Forces. The CIA and the military worked together seamlessly. The raid was a culmination of intense and tireless efforts on the part of many dedicated national security personnel over a period of many years.

It was a highly complex, innovative, and clandestine operation that led us to Osama bin Laden. We would get a bit of intelligence from one source, carefully analyze it, and then use it to drive further efforts and operations. A simple intercepted phone call proved critically important when the response to the caller said, “I’m back with the people I was with before” – that is, he had returned to Osama bin Laden.

It used the full range of our capabilities, both in collecting intelligence from human and technical sources, and subjecting it to very rigorous analysis by our government’s leading experts on bin Laden and his organization.

There is no question that his capture came about as a result of reforms that have recently been enacted in the federal government that yielded much closer collaboration and sharing of information among intelligence components and the military. That cooperation paid dividends that assisted in locating bin Laden’s hiding place.

And we now have a major source of new information that the intelligence community will analyze in very great detail. The trove of information – the captured hard drive and documents – recovered from his compound may eventually be even more important than his death.

Bin Laden’s Death

Osama bin Laden was the most infamous terrorist of our time. He was also the most successful. He brought together terrorist elements under one movement, al Qaeda. Most remarkably, as the mastermind of 9/11, he persuaded 19 young men to go to

their deaths for a cause. He also directed the attacks on the American embassies in East Africa.

There is some difference of opinion on his role at his death. My personal view is that for the last decade, Osama bin Laden has been a figurehead more than a mastermind. I do not think that a man without a telephone or access to the Internet, relying on couriers, could have been a prime mover in more recent terrorist operations. There can be no doubt about his symbolic importance.

The single act of his death does not change everything – nothing ever changes everything – it does not, for example, resolve two messy wars. We should receive some satisfaction from his death, but not exaltation. Men die, symbols do not. In his death, he can still inspire terrorist attacks. But it is worth noting that in the Middle East, news of his death was greeted with ambivalence, and even indifference.

Future of Al Qaeda

Whether it is a turning point in our fight against terrorism remains to be seen. Although Osama bin Laden is dead, al Qaeda is not – it is a network, not a hierarchy. Over a period of years, al Qaeda has been very adaptive and resilient. Bin Laden's death is certainly a setback for al Qaeda but likely not its demise.

Al Qaeda will be searching for an effective leader. Its likely next leader, Ayman al-Zawahiri, will almost certainly struggle to keep al Qaeda relevant. He is likely to be the last man standing in the struggle for leadership. We should not underestimate Zawahiri. He is extremely pious, ruthless; he is not a lightweight; he has been instrumental in al Qaeda's strategy, development, and evolution over a period of years.

Al Qaeda's capabilities to implement large-scale attacks are less formidable than they were ten years ago, but al Qaeda continues to have the intent and reach to kill dozens, or even hundreds, of Americans in a single attack. The war against terror is not won. The work is not done. It is not time to declare victory.

Al Qaeda and its affiliates will almost certainly attempt to avenge him. They will not necessarily attack soon. The threat from al Qaeda is more diverse and more complex than ever – although less severe than the catastrophic proportions of the 9/11 attacks. It continues to hope to inflict mass casualties in the United States

Al Qaeda has been marked by rapid decentralization. The most significant threats to American national security come from the affiliates of core al Qaeda – like al Qaeda in the Arabian Peninsula under U.S.-born Anwar al-Awlaki's leadership. Al Qaeda's

influence is also on the rise in South Asia and continues to extend into failing or failed states such as Yemen and Somalia.

In assessing terrorist threats to the American homeland, senior U.S. counterterrorism officials now call attention to al Qaeda's strategy of "diversification" — mounting attacks involving a wide variety of perpetrators of different national and ethnic backgrounds that cannot easily be "profiled" as threats. Lone wolves, who are not connected to formal terrorist organizations, are the most difficult to detect, in part because they do not fit any particular ethnic, economic, educational, or social profile.

Most troubling, we have seen a pattern of increasing terrorist recruitment of American citizens and residents. In 2009, there were two actual terrorist attacks on our soil. The Fort Hood shooting, claimed the lives of 13 people, and a U.S. military recruiter was killed in Little Rock, Arkansas. Indeed, many counterterrorism experts consider 2010 the "year of the homegrown terrorist." Last year, 10 Muslim-Americans plotted against domestic targets, and 5 actually carried out their plots. Today, we know that Americans are playing increasingly prominent roles in al Qaeda's movement. And Muslim-American youth are being recruited in Somali communities in Minneapolis and Portland, Oregon, in some respects moving the front lines to the interior of our country.

Moreover, we know that individuals in the U.S. are engaging in "self-radicalization," which is an alarming development. This process is often influenced by blogs and other online content advocating violent Islamist extremism. While there are methods to monitor some of this activity, it is simply impossible to know the inner thinking of every at-risk person. Thus, self-radicalization poses a grave threat in the U.S., and as I noted earlier, our National Security Preparedness Group will soon release a report with recommendations for improving our defenses to radicalization.

Because al Qaeda and its affiliates will not give up, we cannot let our guard down. We must not become complacent, but remain vigilant and resolute.

Evolving Mechanisms for Attacking the United States

Our enemy continues to probe our vulnerabilities and design innovative ways to attack us. Such innovation is best exemplified by the discovery in October 2010 of explosives packed in toner cartridges, addressed to synagogues in Chicago, and shipped on Fed Ex and UPS cargo flights from Yemen. This plot constituted an assault on our international transportation and commerce delivery systems. And it was done without the terrorists ever having to set foot within the United States. Although it failed, terrorists will not abandon efforts to develop new ways to inflict great harm on us.

Another way that terrorists can attack without ever physically crossing our borders is through a cyber attack. Successive DNIs have warned that the cyber threat to critical infrastructure systems – to electrical, financial, water, energy, food supply, military, and telecommunications networks -- is grave. Earlier this month, senior DHS officials described a “nightmare scenario” of a terrorist group hacking into U.S. computer systems and disrupting our electric grid, shutting down power to large swathes of the country, perhaps for as long as several weeks. As the current crisis in Japan demonstrates, disruption of power grids and basic infrastructure can have devastating effects on society.

This is not science fiction. It is possible to take down cyber systems and trigger cascading side effects. Defending the U.S. against such attacks must be an urgent priority.

IV. International Implications

The capture and removal of Osama bin Laden raises many urgent questions. Among them are the following:

What is the future of the U.S.-Pakistan relationship? The discovery of bin Laden in a large compound adjacent to a Pakistani Army cantonment, just a two-hour drive from the Pakistani capital, and about a mile from Pakistan’s West Point — not in a remote area over which the government has limited control — requires answers from the Pakistani government about whether its intelligence service, military or other officials were aware of bin Laden’s whereabouts for some time, possibly even providing support. It is difficult to imagine that bin Laden would have chosen to live in Abbottabad unless he had some assurance of protection from Pakistan military and intelligence officials. There is intense debate over how hard to press Pakistan for answers about bin Laden and what Pakistani officials knew.

While Pakistan has cooperated with U.S. counterterrorism efforts, relations with Pakistan have been strained in recent years. The U.S. has provided large amounts of aid to Pakistan in return for its assistance in hunting down al Qaeda leaders, but Pakistan has been known to look both ways – helping the U.S. and the Taliban as well.

Pakistan has been less than a full partner in our counterterrorism efforts and in Afghanistan. Pakistan’s government has long been internally divided about terrorism. Parts of its government are sympathetic to terrorism, parts are unwilling to act aggressively against it, and other parts are either incompetent or playing a double game with and against terrorism. U.S. officials are now openly skeptical about Pakistan’s commitment to countering terrorist activity within their borders, and they

question whether Pakistan will be a better partner in identifying and apprehending terrorists in the future.

For its part, Pakistan will likely continue to demand that the U.S. stop encroachments upon its sovereignty in counterterrorism operations. Thus, the death of Osama bin Laden may very well, in the short run, strengthen the extremists.

This difficult and complex relationship with Pakistan must be managed, not dissolved, in order to advance our shared interests in countering terrorism and ending the war in Afghanistan. The U.S.-Pakistan relationship is central to the interests of both countries. The United States needs cooperation with Pakistan in its fight against terrorism in Afghanistan and ending the war there. Pakistan provides a vital transit link for goods destined for U.S. forces in Afghanistan, and its collapse, with internal terrorist groups and nuclear weapons, could be catastrophic. This is already one of the most difficult bilateral relationships in the world, which has been made worse by recent events. We can only manage it, we cannot resolve all the tensions.

After many demands to cut aid to Pakistan, extensive efforts are now underway to ease tensions between the two countries. In the end, the U.S. will need to be committed to working with Pakistan despite the lingering questions. Of this we can be sure: more tense times lie ahead in the U.S.-Pakistan relationship. Our focus must be on long-term interests, not short-term frustration. We need a healthy Pakistan that fights extremism and terror, and that means we should help democratic forces within Pakistan.

Another question is Afghanistan. Osama bin Laden's death creates new opportunities to begin real negotiations to end the conflict. The situation there is not good. The U.S. can clear and hold any area – but only for as long as we stay there. The Taliban have been pushed back, but they are not close to being defeated. Our gains are fragile and reversible. And the corruption and incompetence of the Karzai government is well-known.

With bin Laden's death, U.S. policymakers may be in a position to consider whether a political deal can be cut with the Taliban, which, from our view would require (1) the Taliban to turn over al Qaeda leaders, (2) maintaining progress that has been made in Afghanistan towards a more open society, and (3) bringing an end to the war. We can get to that deal by more fighting. Or we can get to a deal by negotiating a political settlement. Success in Afghanistan is not easy to define, but it includes establishing an Afghan government that, in time, can hold off the Taliban with a modest amount of American support and help.

A third issue is whether and how recent events in the Middle East — the so-called Arab Spring — may counter the violent extremist agenda of al Qaeda and its

affiliates. Al Qaeda has been unsuccessful in its attempts to destabilize Arab governments and replace them with a Muslim Caliphate that stretches across the region. It has not been relevant to the revolutionary waves sweeping the Middle East. Where al Qaeda failed, peaceful protesters have succeeded through their grassroots uprisings in achieving regime change and dramatic political reforms. What is erupting today in the Middle East is profoundly important – a quest for freedom, for personal dignity, for justice, for a better life. These demands are not going to fade away.

But these revolutions are not without risks. It is by no means clear that they will succeed. If they falter and fail to destroy repressive governments and to build a new democratic world, al Qaeda and other violent extremist groups could emerge again.

In any event, we are headed for a more uncertain Arab world.

Today Muslim people have a chance, with real elections, constitutions, and political parties. If the people want and demand democratic change and accountable governments, no government will be able to resist. None of us can predict the outcome, but we of course can hope for, and support, more democratic regimes.

The United States must seize the opportunity provided by the Arab Spring, welcome the changes toward self-determination and opportunity, oppose violence and repression, promote reform toward democracy, and support economic development for the nations moving in a democratic direction.

Public diplomacy (and nontraditional diplomacy more broadly) may also be a useful tool in facilitating the change sweeping through the region. We should seek to foster reform, forestall gross human rights violations, and work closely with the international community, while avoiding putting the American imprimatur on the protests.

The key will be to engage pragmatically with the governments of the region to help them build stable institutions and provide immediate economic improvement to their people. We should support an agenda of opportunity for the Islamic world. People-to-people exchanges—between legislators, businesspeople, students, academics, civil servants, trade unions, lawyers, scientists, and other groups—could be very productive here. In the 9/11 Commission Report, we recommended that the United States “rebuild the scholarship, exchange, and library programs that reach out to young people and offer them knowledge and hope.” A significant exchange program for emerging Middle East and North Africa democracies should be a relatively easy lift for Congress, and would be a tangible way of signaling U.S. friendship to the new democracies, on the basis of mutual respect and without seeming to meddle or to seek control.

The U.S. and European Union should also work together to use trade and aid policies to give a quick economic assist, in terms of market access, to the new democratic governments (once they emerge). Such an initiative would be much more effective if done in concert with the EU.

V. Conclusion

Significant progress has been made since 9/11, and our country is undoubtedly safer and more secure. We have damaged our enemy, but the ideology of violent Islamist extremism is alive and attracting new adherents, including right here in our own country. Close cooperation with American Muslim communities is the key to preventing the domestic radicalization that has troubled some of our European allies. Positive outreach and efforts to foster mutual understanding are the best way to prevent radicalization and sustain collaborative relationships.

Our terrorist adversaries and the tactics and techniques they employ are evolving rapidly. We will see new attempts, and likely successful attacks. One of our major deficiencies before the 9/11 attacks was that our national security agencies were not changing at the accelerated rate required by a new and different kind of enemy. We must not make that mistake again.

The terrorist threat will be with us far into the future, demanding that we be ever vigilant. Our national security departments require strong leadership and attentive management at every level to ensure that all parts are working well together, that there is innovation and imagination. Our agencies and their dedicated workforces have gone through much change and we commend them for their achievements in protecting the American people. But there is a tendency toward inertia in all bureaucracies. Vigorous congressional oversight is imperative to ensure that they remain vigilant and continue to pursue needed reforms.

Our task is difficult. We must constantly assess our vulnerabilities and anticipate new lines of attack. We have done much, but there is much more to do.

Thank you for inviting me to testify, and for this Committee's longstanding leadership on these critical issues.