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Prior to 9/11, we had no significant commitment or political will to dedicate the necessary resources to counter-terrorism. Almost three years post-9/11, perhaps that environment has changed. Testifying before all of you here today, I want to believe that it has changed and that the time has now come to reform our Intelligence Community.

The re-organization of our government post-9/11 has been insufficient to remedy the shortcomings that left this great nation so vulnerable on 9/11. We have yet to witness the needed overhaul of our intelligence community. There has been no historic re-organization of our domestic security structure. Our CIA is a system that is broken and does not function effectively. Our border security is still lacking in sufficient funds to operate satisfactorily. Our public transportation systems remain vulnerable, our local responders remain under-funded, our ports are under-protected, and our power and water plants remain unguarded. To date, we have lacked a cohesive strategy and any follow through regarding our national security apparatus and its ability to effectively fight terrorism.

Three years post-9/11, al Qaeda has metastasized rapidly despite losing its sanctuary in Afghanistan. The attacks that have taken place in Indonesia, Thailand, and the Philippines illustrate the fact that the threat of terrorism in the U.S. could be greater than it was in 2001. The heightened threat levels of the past few weeks also illustrate this fact. Thus, if we are serious about eliminating al-Qaeda, it requires a robust offensive environment across the entire U.S. government. We need continuity in the approach over a long period of time. We need benchmarks, report cards, and do-outs. We need start-up and follow-through. We need an NID and an NCTC.

We as a nation *should* have made a historic re-organization of our domestic security structure a priority on September 12, 2001. Or, at the very least studied it more seriously. Yet nothing has been done or even seriously considered in this regard until now. Without doubt, the appointment of an NID in the next few weeks will not thwart the next attack. But, if an NID had been appointed three years ago, we might have been in a safer position than we are today.

Realize that on the day of the next attack, Congress and the Executive Branch agencies will no longer have to deal with the 9/11 families, you will have to deal with a new set of victims who will look at you and say, "How could this have happened?" You will have to deal with an entire American public who has read the 9/11 Commission's Final Report and its accompanying recommendations. They, too, will ask, "How could this have happened?" I only hope that there will be real changes underway so that at the very least your collective consciences will not haunt you.

It has been said by some that they would have moved heaven and earth to prevent 9/11. Respectfully, three full years after 9/11, we do not need heaven and earth to move, we just need our Executive and Legislative branches to move so that we are in the best possible position to prevent the next attack.

Intelligence

9/11 has been called an intelligence failure. Prior to 9/11 we had legal impediments, intelligence agencies that were not necessarily cooperative, integrated, or coordinated in their efforts, outdated computer systems, no clear, accountable and strategic management structures, and very little strategic analysis performed on terrorist organizations like al-Qaeda. These failures were due in part because our Intelligence Community lacked a true Captain of its ship.

While DCI Tenet was--in theory--in charge of the entire Intelligence Community, the record from 9/11 indicates that he failed in that capacity. One reason he might have failed was because he lacked budgetary authority to make all 15 intelligence agencies that he oversaw work efficiently, cooperatively, and successfully. Or, perhaps, the real reason was that the expectation that one man could effectively perform the job responsibilities of a DCI was far too high and impossible to meet.

Yet, after reading the 9/11 Commission's Final Report, it appears that our intelligence agencies did perform quite well on some levels because the record proves that our intelligence agencies did have enough information to stop the attack. For whatever reason, judgments were made at crucial times that impeded field agents and analysts from properly doing their jobs. Sadly, the examples of these instances are too many to fully enumerate in this limited testimony. Suffice it to say they are all clearly laid out in the Commission's Final Report, its accompanying footnotes and the Joint Inquiry of Congress' Final Report.

Going forward, we must ensure that when Intelligence Community judgments are made and people are killed, at a bare minimum, someone in our Intelligence Community is held accountable. An NID would be that person. An NID would be charged with designing and implementing an overall strategy for gathering, analyzing, and disseminating U.S. intelligence about security threats, both foreign and domestic. We need a true director of the entire intelligence community—all 15 agencies—who has the necessary authority, responsibility, and accountability he needs to adequately operate all 15 agencies that fall under his control.

An NID would ensure that both CIA and FBI would share the same standards for their classification of material. It is no longer acceptable to keep information from another intelligence agency on grounds of it being used in a criminal trial or

simply because the other agency is judged incapable of capitalizing on said information. An NID and an NCTC would provide incentives to our intelligence agencies to cooperate, collaborate, and share their information. An NID would demand that all intelligence agency databases were inter-operable and broadly accessible. He would remove all real and imagined legal impediments that hindered the sharing of information between agencies and within agencies. The NCTC would be a holding place for all data. It would provide a comprehensive span of control over all intelligence information and agents. It would in theory (and in reality) permit the fluid integration of analytical and operational capabilities.

An NID would hire reports officers to condense the volumes of information held within FBI/CIA files so as to transform that information into meaningful intelligence that could be easily retrieved and disseminated. Never again will files sit on shelves, collect dust, and keep secret a goldmine of valuable information. Never again will we have an intelligence agency that does not even know what is in its own files.

An NID would provide our Intelligence Community with a clear, accountable, strategic management structure. Never again will our government be aware of a terrorist threat to U.S. citizens and institutions overseas, but not structured to recognize that same threat at home so as to effectively act against it in time. Never again will we have a Director of Central Intelligence declaring war against an enemy and that declaration being misunderstood by our operatives in the field and all but ignored by our leaders setting national security policy. Never again will we find a National Security Advisor excusing inaction by stating that no one *told* her that she needed to do something.

An NID would encourage the use of strategic analysis by housing all national security analysts in the same center and arming them with access to all the same information and tools. With an NCTC and an NID we will never again revisit a time where intelligence reports indicated terrorist threats using aircraft as weapons and our intelligence analysts never analyzing how a hijacked aircraft might be used as a weapon. Never again will we have a figure like UBL declaring war against us, and not find an authoritative portrait of UBL's strategy, his organizational structure or his involvement in past attacks against the U.S. in our intelligence files.

An NID would establish a system so that we can learn from past mistakes. He would ensure the "closing of seams". Never again will we find that we thwart an attack by mere chance (the plot to bomb LAX) and walk away from that incident with little more than a sigh of relief. Going forward an NID would establish a process for learning from both successes and failures. He would demand after-action reviews. Attention would be drawn to failures not for fault finding, but as a way to place constructive emphasis on learning lessons and discovering practices. An NID would advocate the belief that our intelligence community (and

our government as a whole) must provide a safe outlet for admitting errors and improving procedures.

With an NID and NCTC established, the next time we have a terrorist organization planning against us we will recognize the existence of that threat sooner and develop a pro-active covert action program to counter that threat before it grows to a reality. We will not suffer from instances of poor judgment that hampered our agents' abilities to stop the 9/11 hijackers. And, if we find a series of poor judgments being made we will hold not only the Deputy of that Department responsible, but also the NID who has ultimate responsibility for the actions and behavior of the Intelligence Community.

Our Intelligence Community consumes \$40 billion of taxpayer dollars. The American public should expect some sort of accounting from this organization. No one doubts the commitment and work of the field agents and rank and file workers in our intelligence agencies. But, they need clear leadership. An NID would provide this leadership. An NID would make a difference.

Airlines Security

Prior to 9/11 inadequacies in airline security were recognized, yet there was no action taken by the FAA or the airlines to remedy these system-wide shortcomings. Examples of such inadequacies range from poorly trained and paid airport security personnel, failure to maintain an effective/integrated no-fly list program, and a failure to establish effective airline security protocols.

Prior to 9/11 airport security had a 10% effective rate in detecting real threats. Much of the focus was on detecting explosives, not deterring hijackings or other asymmetric threats. Had there been a National Intelligence Director, it is likely that at some point there would have been an assessment that the airlines security apparatus needed to contemplate and prepare itself against these additional types of threats.

For example, asymmetric threats like the use of suicide pilots who might infiltrate the airline industry, the use of shoulder-launched missiles that could shoot planes out of the sky while in flight, the use of planes as weapons to fly into important or symbolic targets, or the use of separate bomb components either planted on planes prior to take off or carried onto planes by individual passengers to be ultimately assembled in flight to make a completed bomb. Whether for lack of resources, faulty cost-benefit analyses, lack of imagination, or lack of follow-up (and/or follow-through), none of these threats was ever contemplated and placed within a system-wide security strategy by the airlines community prior to 9/11. An NID would have made the difference.

Prior to 9/11, hardened or locked cockpit doors (while recommended by past commissions) were not an industry-wide standard. Many people—myself included—have stated that if the cockpit doors were hardened on 9/11, the hijackers might not have been so successful. This statement is misleading in part because even if the cockpit doors were locked on the morning of 9/11, it is very likely that the pilots (at least on the first two planes—AA11 and UA175) would have unlocked the doors and allowed the hijackers access to their cockpit. Why? Because airline protocols so dictated in the event of a hijacking.

Had there been a NID, an assessment of the likelihood of a suicide hijacking using planes as weapons might have been drawn up during the summer of 2001. Such an assessment would have required a tasking or “pulsing” of all intelligence agencies that might have revealed the following information:

1. al-Qaeda operatives were training in U.S. flight schools and gaining skills to pilot aircraft—including large commercial aircraft;
2. al-Qaeda was not interested in any type of “peaceful” resolution. They were interested in inciting terror and creating mass casualties. They were not the type of group to “negotiate” anything. In other words, “traditional” hijackings were not their style.
3. al-Qaeda did not have any friendly nations to fly a hijacked plane to so as to negotiate any type of demands that would be made during a “traditional” hijacking;
4. al-Qaeda was training and to some degree prepared to perform suicide/martyrdom missions;
5. al-Qaeda had credible plans to hijack commercial airplanes and fly them into targets;

If an NID drew up an assessment on the aforementioned information he might have had a better understanding of the who, what, where, and how of al-Qaeda and its techniques. Armed with this knowledge an NID would have:

1. Told airline pilots that hijackers knew how to fly planes and to not permit anyone in the cockpit under any circumstances.
2. Told flight attendants and flight crews to ignore previous protocols that called for the peaceful resolution of all hijackings.
3. Reassigned air marshals to domestic flights.
4. Tasked NORAD to be on a shorter alert status so that they were more prepared to respond to a domestic air incident like a suicide hijacking using planes as missiles. Or, at the very least told NORAD that they need to turn their “eyes” inward and anticipate a *domestic* hijacking.
5. Informed the FAA that suicide hijackings were a possibility and tasked FAA with being prepared to handle such situations—in

- other words, making sure everyone knew who to contact, understood authorities and the chain of command in such incidents, and most importantly knew how to respond adequately, effectively and decisively in such situations.
6. Tasked the intelligence agencies for more information on any sleeper cells within the U.S. who had made contacts with anything airlines-industry related.
 7. Increased airport security measures to look out for asymmetrical threats.

Three years post-9/11, the need for an NID is more urgent than ever. The impact of an NID on the airlines security apparatus is undeniable. Airline security is not fixed. Chain of command and authority issues are not resolved. An NID would be able to force all constants and variables involved in the airline security equation to work together cooperatively. He would be able to assign accountability and responsibility so that problems are identified, addressed, and remedied. He would be able to effectively prioritize problems because he would have the benefit of knowing our overall national intelligence strategy. He could apply that overall strategy to affect day-to-day operations of the airlines industry.

In sum, an NID would be able to take the airlines—just one component of the national security apparatus and better equip them to meet the demands of the ever-evolving national security environment. He would not be influenced by financial interests or persuaded by lobbyists. He would look at airline security through a pure and singular focus—to make the airlines as safe as they can be. None of our public transportation systems will ever be 100% safe. But they can be safer. An NID would be able to prioritize which systems can be made safer; he would set goals; assign tasks to meet those goals; demand accountability and allocate funds accordingly.

The Military

The largest problem presented to our military was (and in some ways continues to be) the failure of our intelligence community to gather actionable intelligence for our military to justifiably act upon. Prior to 9/11, whether it was missile strikes, deploying our special forces to infiltrate organizations, or sending reconnaissance aerial vehicles to gather information, all of these options ultimately failed because they lacked the actionable intelligence to spark their action. A secondary problem confronted by our military was the failure to take risks because of the fear of the American public not supporting actions and the military's overall lack of vision. A third problem encountered by our military in its efforts to deal with al-Qaeda was its inability to deal with a nimble enemy.

As a nation fighting terrorist organizations, we cannot expect a military that was designed to deal with the Cold War to successfully fight an enemy like al-Qaeda. There might not be one single large nation to invade. There might not be any available terrain so as to set up basing facilities for search and rescue. Diplomacy might not be an option. Actionable intelligence might not rise to the level of 100% reliability. Serious, real risks might need to be undertaken. Creative thinking might be the standard. And old "models" and "techniques" might have to yield to make way for new models and techniques.

Prior to 9/11, much debate took place about whether to fly the Predator over Afghanistan, who would pay for the flights, who would be responsible if the aerial vehicle got shot down, who would be responsible if the vehicle marked and killed people, etc. In short, nobody—neither DCI George Tenet nor DOD--wanted to take operational responsibility or fiscal responsibility for flying this vital reconnaissance vehicle.

This was the topic of discussion during the first Principals meeting of the Bush Administration held at the end of the summer of threat. September 11th was a mere 6 days away. 3000 civilian people were rightfully carrying on with their lives completely unaware of their sealed fate. And, our leaders—those charged with protecting us-- were fighting over whether to fly the Predator half way around the world to try and gain surveillance video of al-Qaeda. As their heated debate continued—their petty argument over monies and responsibilities—al Qaeda was already here in the United States, lying in wait, fully embedded

and prepared to kill 3000 innocent people. If that does not illustrate how off the mark our military and intelligence community was in the months leading up to 9/11, I don't know what does. Perhaps an NID would have made the difference.

An NID would demand that raw intelligence, become richer in detail and stronger in fiber so as to rise to the level of "actionable intelligence". He would do this through the tools and information sharing demanded by the structure of an NCTC. An NID would be able to streamline areas and individuals that were no longer useful and efficient in providing their "work product" to their consumers. An NID would help our military to become more effective and more efficient by providing a reliable work product that could be used by the military to foster their creative, imaginative, and prudent action. Most importantly, an NID would welcome his own ultimate accountability and responsibility for his work product (the intelligence community assessment), so that others would be able to exercise their sound judgment and subsequently carry out their own sound action without worry of political or public redress.

Regarding the need to remove many of the 15 intelligence agencies outside the Department of Defense, perhaps one thing needs to be made clear. In the fight against terrorist organizations, "boots on the ground"—engaging our military—is Step Two in the process. We mustn't forget about Step One. In truth, if all the players in Step One do their job, we never have to get to Step Two. Step Two—our military-- should not be our primary tool, it should be our secondary tool—our back up plan. That is why we must strengthen our abilities and capabilities in Step One.

Step One involves our intelligence community having the most direct unfiltered information and effectively acting upon that information. To get the best, most direct information our intelligence agencies need the authority and budgetary control over the tools that provide them with such information. Leaving management and budgetary authority over these tools in the hands of the Defense Department has proven ineffective. 9/11 speaks to that ineffectiveness. For example, leaving NSA under the authority of DoD makes little sense when in reality and on a proportional basis the intelligence agencies like CIA and FBI are more dependent on and can better use the information provided by NSA as compared to the Pentagon.

In a perfect dynamic, our intelligence agencies—led by an NID—would have the authority and budgetary control over their own vital

tools. An NID would have management power and budgetary control over the NSA who provides information that CIA and FBI need to successfully fight terrorism. If tools are used correctly, intelligence information flows freely and directly, and our intelligence community acts effectively, Step Two—boots on the ground—might never be needed. *The problem to this very day is that nobody is coordinating our intelligence resources, being held accountable for improving and re-organizing our overall intelligence apparatus, and demanding responsibility from those elements in Step One(our Intelligence Community) so that we don't have to arrive at step Two.* Again, perhaps an NID would make a difference.

Most importantly, under the structure recommended by the 9/11 Commission, we would no longer have agencies and institutions competing against one another. However healthy that competition may have been heralded in the past, 9/11 proved that such entrenched competition between agencies, institutions, and individuals contributed in part to the deaths of 3000 innocent people.

How is it possible that three years since 9/11 we still find our leaders making statements that the “boots on the ground” should not have to wait to “borrow satellites” from other agencies. Everyone must accept and understand that we are in this fight together. It has nothing to do with “borrowing” it has to do with “sharing” and working in concert so that all parts of our national security apparatus receive the most benefit from all available assets and tools. That is why all of our intelligence agencies must be housed under the same roof and managed by one person. Such a set-up will remind everyone that we are working cooperatively to meet a common goal. We must relinquish outdated and ill-suited models that might have served us well in the past so that we are capable of better defending ourselves against our enemies in the future. An NID would make the difference.

Diplomacy

Prior to 9/11, the use of diplomacy to deal with terrorist groups like al-Qaeda was not a model of success. The problem regarding counter-terrorism and diplomacy was a problem involving evidence and action.

To get action—to find whole governments accountable-- our nation needed definitive intelligence. Yet, our Intelligence Community prior to 9/11 was careful, conservative, and their language was loaded with caveats. All evidence in counter-terrorism cases was catalogued in neutral detail. And, as our nation remained cautious and risk adverse, al-Qaeda grew larger and stronger. Simply put, pre-9/11, we had a lot of evidence but we showed very little action.

Post 9/11, we still find ourselves encountering the same problem regarding counter-terrorism and diplomacy-- it remains a problem involving evidence and action. Only now we have an intelligence community that is no longer cautious in its language and careful and conservative in its production of evidence. The faulty intelligence that provided the basis for the war in Iraq would immediately come to mind. Thus, post-9/11, we had very little evidence that resulted in a lot of action.

In sum, prior to 9/11 we had a clear and present danger presented by al-Qaeda that was clearly not fully appreciated. Our intelligence community failed to pick up and act upon the real threat that was presented by al-Qaeda. Politics and policy might have played a role in this failure. Post 9/11, we did not have such a clear and present danger of WMD in Iraq and our intelligence community apparently over-stated that danger. Politics and policy might have played a role in this result, as well. Nevertheless, in both scenarios two constants remain. One-- people are being killed and two--we have an intelligence community failing to do its job. This has to change.

We, as a nation, must find the middle ground. First, we must have an Intelligence Community that we can rely upon. We must equip them with the skills, tools, and resources to do their job. And, we must set up a structure that will hold them accountable when they fail to do their job. We must insulate their work product from both politics and policy. Only then can our leaders earnestly rely upon their work product and advice in making their own policy-level decisions. From that pure, unfiltered work product our leaders can decide whether, when, and how to take action.

An NID would be responsible for providing the pure unfiltered evidence—his (the intelligence community's) work product-- to our leaders. An NID would be held accountable and responsible for the quality and nature of that information that he/she gives to our leaders, and, an NID would be at best insulated from both

policy and politics. An NID must be an independent individual whose bottom line interest is solely keeping this nation safe from terrorism. Taken in conjunction with the myriad of other advisors to the President, an NID could authoritatively add to the dialogue and debate needed—from his strict intelligence community perspective-- when discussing our nation's role in the world. An NID would make a difference.

Border Security

Prior to 9/11, 19 hijackers entered the U.S. a total of 33 times. Thus, we had 33 times to catch them. More than half of the 33 times the entrances/exits involved Miami, JFK, and Newark airports. Had our border security been properly focused, we might have stopped these hijackers. Eight of the hijackers' passports were clearly doctored in ways that should have indicated an association with al-Qaeda. From the mid-90s, our FBI and CIA had al-Qaeda training manuals that illustrated some al-Qaeda practices in passport alterations. Yet, from 1992 until 9/11 there was no sign of intelligence, law enforcement, or border inspection services to acquire, develop or disseminate systematic information about al-Qaeda's travel or passport practices. An NID would have made a difference.

All of the visa applications of the hijackers were incomplete in some way, either with a data field left blank or a data field not fully answered. Three of the hijackers' visas contained false statements that were provable false at the time of their application for a US visa. For example, Hani Hanjour and Khalid Al-Midhar said that they had never applied for a US visa before, and a background check of old records would have revealed that they had applied for US visas. But, prior to 9/11 our border security focus was placed on "overstay" candidates—not terrorists who wanted to kill us. And, even with our focus on "overstays" we still allowed the 9/11 hijackers to enter this country, when most of them were classic "overstay" candidates. They were young men, with little money, and few ties to their country of origin. Nevertheless, they were able to parade through our borders with great ease.

An NID would be able to integrate our border control into our national security strategy and give our border control agents commensurate resources. An NID would ensure that terrorist travel intelligence became a valued part of

our counter-terrorism strategy. An NID would recognize that disrupting terrorist mobility globally is at least as important as disrupting terrorist financing. He would demand that our student tracking system be operable and effective. He would oversee, follow-up and designate resources for the use of biometrics in our border security system. He would make sure that programs like TIPOFF are able to work effectively and share their information collectively.

In short, he would make sure that our border security focus was on the mark—in other words, he would ensure that established national security priorities were adequately reflected in our border security apparatus. With any hope at all, we would not have a situation like we had pre-9/11 where our border control agents were pre-occupied with keeping potential “over-stay” candidates out of our country, while opening the doors to terrorists who wanted to kill us. Three years since 9/11, our border security still suffers from inefficiencies, poor funding, inadequate intelligence sharing, and the poor integration of an overall strategy. An NID would make a difference.

39 Remaining Recommendations of Equal Importance

While the two recommendations (the NID and the NCTC) that are the focus of this hearing are important, we must not lose focus on the equal importance of the remaining 39 recommendations. Quoting Commissioner John Lehman, the Commission’s report is not a Chinese menu.

Toward that sentiment, we respectfully request that President Bush clearly state which of the remaining 39 recommendations he plans to address and implement through Presidential Directives.

Thereafter, we would respectfully request that Senator Frist and Representative Delay assign the other 9/11 Commission recommendations to any other congressional committees not already holding hearings so as to begin the long process in getting these recommendations enacted into law or simply acted upon.

We must no longer take a single-track approach to our nation’s security. It is not simply striking out and fighting the

terrorists overseas. We need to contemplate other complementary methods in this ongoing war. By holding public hearings on these other supplemental methods the American public will be able to consider these additional methods--methods that include providing education and economic opportunities, eviscerating terrorist funding, decreasing our dependence on foreign oil, and re-allocating funds to pay for vital programs.

Thus, it is not sufficient to work on only two of 41 recommendations, because the remaining 39 recommendations will take effort, time, and the re-allocation of funds to come to fruition. We need an aggressive, imaginative, efficient multi-track approach to our homeland security. We need a similar aggressive, imaginative, efficient multi-track approach applied to the 9/11 Commission's recommendations. Failure on either front is no longer an option.

Patriotism—Being an American First

We ask the Congress, the White House, and all other Congressional and Executive Branch agencies to be Americans first. Not partisan politicians with self-interests. Not appointed officials with turf to protect. Not unimaginative figures unwilling to embrace change out of fear of losing the status quo.

It is not sufficient to support national security on an ad-hoc basis. Your support of national security must be all-inclusive and whole-hearted—regardless of how it may hurt you personally or politically. In short, working cooperatively to make this nation safe is like the 9/11 Commission's recommendations. Your commitment must be wholesale, measured in thought, and endorsed by sound action. You cannot pick and choose which initiatives should succeed on the basis of your own self-interest.

For example, you cannot support the de-classification of over-classified national security information, but oppose border security reforms because that particular issue (stronger border security) may negatively affect your constituents who rely on foreign labor. Or, you cannot support the creation of a National Intelligence Director who is not given the appropriate powers and authorities (in other words is

merely akin to a “czar”) because you do not want to strip long-standing entities of ill-suited, ineffective, and long-outdated powers.

You must have the courage to be an American first.

We stand before you as people who have lost our loved ones. On 9/11 and for many months afterward, the pain was overwhelming. Through it, we began the process of adapting to life without our loved ones. We have taken our unspeakable pain and made some good out of it by fighting for the creation of the 9/11 Commission. We are now urging you to act upon the Commission’s recommendations. Today, there are many other families whose husbands and wives, sons and daughters, brothers and sisters are risking and sadly giving their lives to defend this great nation. We are grateful to those who serve and we share the pain of families whose loved ones have died in service to our nation. We recognize and appreciate their self-sacrifice in being Americans First and making this nation safer.

In the ensuing months as this language begins to be drafted and thereafter battled about behind the scenes, I simply, humbly and with great respect ask all of you to remember during those negotiations how many of us have already learned to be Americans first. I truly hope you can do the same.