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Menu

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### NEWS

- DoD News
- Advisories
- Contracts
- Live Briefings
- Photos
- Releases
- Slides
- Speeches
- Today in DoD
- Transcripts

### American Forces News

- Articles
- Radio
- Television
- Special Reports

### DoD Search

- About News
- News Archive
- News by E-mail

### Other News Sources

## Testimony Prepared for Delivery to the National Commission on Terrorist Attacks Upon the United States

*Testimony Secretary of Defense Donald H. Rumsfeld, Washington, DC, Tuesday, March 23, 2004.*

### I. Introduction

Chairman, Commissioners -- Thank you for undertaking this important work.

The Commission requested that we comment on preparations during the period from January 20th through September 11, 2001, the events of September 11th, steps taken since September 11th, and any recommendations for the future.

I request that the text of my testimony be made a part of the record, along with several attachments.

Let me first express my condolences to the people of Spain. The bombings in Madrid have been called Europe's 9/11. For the Spanish people, March 11, 2004 will leave their nation changed. I have no doubt that, like September 11th, the fruits of those attacks will not, over the long run, be hatred, fear or self-doubt, as the terrorists intended.

I am persuaded the attacks there will backfire on the terrorists as they have elsewhere -- for example, as the Istanbul bombings united Turks instead of dividing them; and as terrorist bombings in Riyadh spurred the Saudis to crack down on terrorist networks in their country.

Families that lost loved ones on 9/11 -- some of whom I am sure are listening today -- must feel a special bond with families in other countries who lost fathers and mothers, brothers and sisters, sons and daughters to terrorism. They understand the pain, and the heartbreak.

Nothing can shorten the suffering of the bereaved families whose loved ones perished, or fill the empty space in their hearts.

The attacks by terrorists around the world are deadly reminders that our nation -- and, indeed, the world's free nations -- are at war. It is a war in which we face dangerous enemies, that kill innocent men, women and children -- enemies who are working to acquire weapons that would one day allow them to kill not hundreds, as on March 11th in Spain, but tens of thousands.

So this Commission has an important opportunity. Those in government are, of necessity, focused on dozens of issues. Commissions, however, can step back and focus on one thing, get it right, and provide insights that can be of great value.

You have been asked to connect the dots – after the fact -- to examine events leading up to September 11th, and consider whether events of that day might have been prevented – and, what lessons, if any, might be taken from that experience to prevent future dangers. It isn't easy, even after the fact. And that's with the benefit of hindsight. You have the opportunity to hold hearings, conduct interviews, to pore over tens of thousands of pages of documents, to focus exclusively on that one topic.

I am told the Department of Defense alone has thus far:

- Had up to 150 DoD personnel work on the collection, review, and processing of information requested by the Commission;
- Made available approximately 4,000 documents, totaling more than 136,000 pages;
- Provided 48 briefings;
- and Participated in 162 interviews with the Commission.

Since May 2003, DoD has spent some 10,000 man-hours to assist the Commission.

Going through those documents and briefings, and conducting all those interviews and hearings, and trying to piece it all together and connect the dots, is difficult. Yet the challenge facing our country before September 11th and still today is vastly more difficult: our task was then and is today to connect the dots -- not after the fact, but before the fact – to try to stop an attack before it happens. And that task must be done without the benefit of hindsight, hearings, briefings, interviews, or testimony.

Another attack against our people will be attempted. We do not know where, or when, or by what technique. It could be in weeks, months, or years – but it will happen.

That reality drives those of us in positions of responsibility in government to ask the tough question: when that attack is attempted, what will we wish we had done -- today and everyday – before an attack -- to prepare for, to mitigate, or if humanly possible, to prevent it?

The Commission might ask a similar question: when that next attack is attempted, what will you wish you had advised? What will you wish you had recommended our nation do to prepare for, and, if possible, to prevent an attack?

What have you learned that can inform our efforts, and help us to better understand surprise, to anticipate threats, and get better arranged to deal with them?

The unfamiliar challenges of the global war on terror are particularly tough for several reasons:

- First, it is tough because Western armed forces have been organized, trained and equipped to fight competing armies, navies and air forces – not to conduct man-hunts for terrorists.
- It is tough because safeguarding the privacy of individuals makes it hard to satisfy the requirement to know who or what is coming across our borders or moving money through financial networks.
- It is tough because globalization has created easy access to dual-use technology, fiber optics, and the knowledge and materials to build increasingly lethal weapons.

Your Commission can help by offering your considered opinions on a number of critical questions:

- How to strike the right balance between privacy and security?
- How to adjust thinking about dealing with terrorism as a problem of national security vs. law enforcement?
- How to address peacetime constraints in a way to reflect that we are a nation at war -- albeit a

new and different war.

Not easy questions. But this much is certain: on September 11th, our world changed – and while it may be tempting to think that once this crisis has passed and our nation has healed, things can go back to the way they were -- we cannot go back. The world of September 10th is past. We have entered a new security environment, arguably the most dangerous the world has known. And if we are to continue to live as free people, we cannot go back to thinking as we did on September 10th. For if we do -- if we look at the problems of the 21st century through a 20th century prism -- we will come to wrong conclusions and fail the American people.

You can help our country adjust. I used to think one of the most powerful individuals in America was the person who could select the annual high school debate topic. Think of the power -- to set the agenda, and determine what millions of high school students will study, read about, think about, talk about with friends, discuss with their teachers, and debate with their parents and siblings over dinner.

Your Commission has similar power. You have the opportunity to focus the attention of the nation on critical questions – the issues we need to think about, debate, and discuss. You have an opportunity to elevate the debate above partisan interests, to lift people’s eyes up and out to the horizon, to help point a way ahead.

The September 11th attacks cost the American people hundreds of billions of dollars in lost income, lost jobs, and lost GDP. But the most terrible cost of the attack was the price paid in human lives, and the suffering of the families and loved ones of the 3,000 people killed on that day – the horrible memories and the constant sense of loss that the wives and husbands and children and parents and friends of those who were murdered on September 11th live with everyday.

I saw with my eyes the destruction terrorists wreaked on September 11th. At the impact site, moments after American Airlines Flight #77 hit the Pentagon, one could feel the heat of the flames, smell the burning jet fuel, and see the smoldering rubble, twisted steel, and the agony of the victims. Those images will forever be seared into our memories.

I spent time, once the crisis passed, asking the questions posed to this Commission: What, if anything, could have been done to prevent it? And, if something like this were to happen again, have we -- today -- done everything possible to prevent it?

First, I must say, I know of no intelligence during the roughly six plus months leading up to September 11th that indicated terrorists intended to hijack commercial airliners and fly them into the Pentagon or the World Trade Towers. If we had had such information, we could have acted on it -- as we did during the spike in intelligence chatter during the summer of 2001, when we had information that led us to move ships out of harbors in the Gulf region. Further, I believe that the actions taken since September 11th in the global war on terror, and the international coalition assembled to fight that war, would have been impossible to achieve before the September 11th attacks.

Think about it: after September 11th, the President made the decision not simply to launch cruise missile strikes as the U.S. had previously tried. Rather, he decided to deal decisively with the terrorist network responsible for the attack -- and to hold not only the perpetrators to account, but also the regime that had harbored, aided, and supported them as they trained, planned, and executed their attacks.

The President rallied the world, and formed what is today a 90-nation coalition to wage the global war on terrorist networks. He sent U.S. and Coalition forces – air, sea, and ground – to attack Afghanistan, overthrow the Taliban regime, and destroy that al-Qaeda stronghold.

- Within 26 days of the attack -- on October 7th, the air campaign against Taliban and al-Qaeda

targets in Afghanistan had been launched.

- Within 38 days -- on October 19th, the U.S. military had forces on the ground in Afghanistan.
- Within 59 days -- on November 9th, Mazar-e-Sharif fell to a coordinated assault by Afghan and U.S. forces, aided by precision strikes from Coalition ships and aircraft.
- Within 63 days -- on November 13, 2001, Kabul was taken -- and Afghanistan was liberated.

In short order:

- The Taliban regime was driven from power;
- Al-Qaeda's sanctuary in Afghanistan was removed;
- Nearly two-thirds of their known leaders have now been captured or killed;
- Today a transitional government is in power in Afghanistan, which is transforming the country from a safe haven for terrorists to a coalition ally in the war against terrorism.
- And a clear message was sent: henceforth there will be a price to pay for harboring terrorists.

These were bold steps -- and today, in light of September 11th, no one questions those actions. Today, I suspect most would support a pre-emptive action to deal with such a threat, if it had been possible to see it coming. Today, our remarkable military success in Afghanistan is largely taken for granted, as is the achievement in bringing together countries like Pakistan, India, Uzbekistan, and Oman into a 90-nation coalition.

But imagine for a moment that we were back before September 11, 2001. Imagine that a U.S. President had looked at the information then available, and gone before the Congress and the world, and said: "We need to invade Afghanistan, overthrow the Taliban, and destroy the al-Qaeda terrorist network," based on what little was known before September 11th.

How many countries would have joined in a coalition? Many? Any? Not likely.

We likely would have heard objections to "pre-emption" similar to those voiced before the Coalition launched Operation Iraqi Freedom. We would have been asked:

- Where is the "smoking gun?"
- How can we attack Afghanistan when it was al-Qaeda that attacked us?
- Aren't North Korea, Iran, Iraq, or Libya more immediate threats than Afghanistan?
- Shouldn't overthrowing the Taliban regime be the last step, not the first?
- Why can't we just take out terrorist training camps?
- If we go to war in Afghanistan, does it mean the U.S. will now go to war with every state that harbors terrorists before they have threatened us?
- Should we go to war when there is no international consensus behind ousting the Taliban regime by force?
- Wouldn't U.S. intervention enrage the Muslim world and increase support for the terrorists?
- How can we go to war when not one country in the region publicly supports us, and many seem to be opposed?
- Wouldn't the U.S. get bogged down in an expensive, dangerous long-term military occupation?
- Wouldn't we open ourselves to the risk that other rogue regimes might take advantage of the fact that the
- U.S. is tied up in Afghanistan to invade neighbors or cause other mischief?
- Won't launching a pre-emptive strike simply provoke more terrorist attacks against the U.S.?
- If the Taliban and al-Qaeda knew we intended to overthrow their regime and destroy their network, what would they have to lose by launching a catastrophic attack in the U.S.?

Those are essentially objections that were raised against military action in Iraq. And they were voiced after September 11th, in a nation that already had experienced the loss of 3,000 innocent men, women and children to a surprise attack.

Imagine the outcry any U.S. President would have faced had he proposed what would have been labeled a pre-emptive war in Afghanistan before the experience of September 11th.

Unfortunately, history shows that it can take a tragedy like September 11th to awaken the world to new threats – and to the need for action -- and even then there are different views.

A few weeks after September 11th, I was in the Middle East, and I met in a tent in the desert with the Sultan of Oman. He expressed his sympathy for the loss of life in America. But he said that perhaps that tragedy will wake up the world, so that nations will come together to take the steps necessary to see that there is not a September 11th that involves a biological, chemical or nuclear weapon. Perhaps, he said, the loss of those 3,000 precious lives, in the end, will help to save tens of thousands of lives.

We cannot go back in time to stop the September 11th attack. But we owe it to the families and loved ones of those who died on September 11th to ensure that their loss will, in fact, be the call that helps to ensure that tens of thousands of other families do not go through the pain and suffering they have endured.

It is my hope that this Commission's work will help our nation meet its obligations to those families – and to future generations, whose freedom and security are in our hands today.

## **II. Preparing For An Era Of Surprise: January 20, 2001 -- September 10, 2001**

President Bush came to office with instructions to his Administration to prepare for the new threats of the 21st century.

The bombing of the U.S.S. Cole on October 12, 2000 was seen both as evidence of the al-Qaeda threat and the need to adjust U.S. policy. There had been no response to the Cole bombing.

I've have had an interest in terrorism since my experience in Lebanon in the 1980s, during my service as Middle East Envoy for President Reagan.

The more one studies terrorism, the more one becomes convinced that the approach to fighting it that had evolved over several decades wasn't working. That strategy was essentially to treat terrorism as a matter of domestic security; to combat it through national and international law enforcement techniques; and to try to take defensive measures against terrorist attacks. From the attack on the Marine barracks in Beirut, to the first World Trade Center attack, to the Embassy bombings in East Africa, and the attack on the U.S.S. Cole -- that was the pattern. Reasonable people have to conclude that the value of that approach had diminished over the years.

It had become increasingly clear that we could no longer afford to treat terrorism as a manageable evil – that we needed an approach that treated terrorism more like fascism -- as an evil that needed to be not contained, but fought and eliminated.

When this Administration came into office, the President asked the NSC to begin preparing a new counter-terrorism strategy. His instructions were to develop a strategy not simply to contain terrorism, but to deal with it more aggressively – not to reduce the threat posed by al-Qaeda, but to eliminate the al-Qaeda terrorist network.

A more comprehensive approach required a review not only of U.S. counter-terrorism policy, but also U.S. policies with regard to other countries, some of which had not previously been at the center of U.S. policy. It was a big task. Dr. Rice has stated she asked the National Security Council staff in her first week in office for a new Presidential initiative on al-Qaeda. The staff conducted an overall review of al-Qaeda policy. In early March, the staff was directed to craft a more aggressive strategy

aimed at eliminating the al-Qaeda threat. The first draft of that new strategy, in the form of a Presidential directive, was circulated by the NSC staff on June 7, 2001 and I am told some five more meetings were held that summer at the Deputy Secretary level to address the policy questions involved, such as relating an aggressive strategy against the Taliban to U.S.-Pakistan relations. By the first week of September, this process had arrived at a strategy that was presented to Principals and later became National Security Presidential Directive (NSPD)-9.

The objectives of the new strategy were:

- To eliminate the al-Qaeda network;
- To use all elements of national power to do so -- diplomatic, military, economic, intelligence, information and law enforcement;
- To eliminate sanctuaries for al-Qaeda and related terrorist networks – and if diplomatic efforts to do so failed, to consider additional measures.

The essence of this strategy was contained in NSPD-9. It was the first major substantive national security decision directive issued by this Administration. It was presented for decision by principals on September 4, 2001 – 7 days before September 11th. The directive was signed by the President, with minor changes, and a preamble to reflect the events of 9/11, on October 25, 2001.

While this review of counter-terrorism policy was taking place, the Department of Defense was developing a review of U.S. defense strategy. When President Bush took office, he asked us to transform the Defense Department, and arrange the U.S. Armed Forces for the new threats of the 21st century, which he knew would be notably different from 20th century threats that were familiar, but unlikely.

On February 2, 2001, less than two weeks after taking office, I traveled to Germany for the annual Munich Conference on Security Policy – my first overseas trip since returning to the Pentagon. Already, at that early date, we were focused on the problem of unconventional or “asymmetric” threats. On the flight, I was asked by reporters about the principles that would drive our defense review. I answered that the 1991 Persian Gulf War had taught the world that taking on Western armies, navies and air forces directly is not a good idea. It was expensive and attackers were almost certain to lose a conventional conflict. It was therefore likely that potential adversaries would:

“look for so-called asymmetrical responses ... [everything] from terrorism through cyber attacks, to information warfare, to cruise missiles, to short-range ballistic missiles, to longer range ballistic missiles, and weapons of mass destruction.” (See Attachment #1)

The problem we faced was that, for most of the 20th century, the U.S. Armed Forces had been organized, trained and equipped to fight opposing armies, navies and air forces. While we need to maintain the capability to fight traditional wars, we also knew that the likely threats in the 21st century would require us to conduct much different kinds of military operations.

Even traditional adversaries would be likely to threaten us in unconventional or asymmetric ways. Moreover, we knew we would increasingly face threats from non-traditional adversaries, such as terrorist networks, and that we needed to re-arrange ourselves to be able to deter and dissuade such attacks – and to defeat such adversaries if they did attack.

The danger posed by proliferation is twofold:

- First, that hostile states will develop these weapons, and a variety of ways to deliver them against our people, and our friends and coalition partners, and thus have the power to hold our populations hostage to blackmail; and
- Second, that they might share those capabilities with terrorist networks, that could use them to attack us without fingerprints.

At the same time, the challenges facing the intelligence community were growing more complex. During my confirmation hearings, I was asked what one thing would keep me awake at night? I answered, without hesitation: "intelligence." (See Attachment #2)

I understand CIA Director Tenet will testify tomorrow and he will provide a detailed description of the challenges facing the intelligence community. Let me simply say this: during the Cold War, we faced a principal adversary – the Soviet Union – an enemy we grew to know and understand reasonably well over many decades. Today, we face multiple potential adversaries – both state and non-state actors – operating around the globe. We are living in an age where the nature of the international economy, the volume and rate of global interactions and communication, and the spread of technologies, mean the volume of information that must be monitored and assessed has grown and is growing.

The ability of the intelligence community to monitor the rapidly growing volume of data, sort it, analyze it, and then alert policymakers to threats to the U.S. and its interests, is growing more difficult by the year.

Their challenge is compounded by the fact that the ability of the intelligence community to learn the secrets of those who wish us harm, and to convey those secrets to policy-makers in confidence, continues to be compromised by frequent leaks and unauthorized disclosures. Hardly a day goes by when the media doesn't carry a story that reveals classified information. This aids our enemies in significant ways.

The harm done to the U.S. by spies and traitors the likes of Ames, Hansen, and Pollard is substantial. The result has been that important features of our intelligence capabilities have been compromised.

As part of our complicated world, adversaries of the U.S. have chosen terrorism as the preferred instrument to force free nations to submit to their agendas by inflicting death on their innocent citizens.

We were also concerned about the risk of surprise, and the danger that new threats could emerge with little or no warning. In June 2001, I attended the first meeting of NATO defense ministers in the 21st century, and my first NATO meeting since returning to government. I told my colleagues about Vice President Cheney's appearance before the Senate for his confirmation hearings as Secretary of Defense in March of 1989. During those hearings, a wide range of security issues were discussed – but not one person uttered the word "Iraq." Yet within a year, Iraq had invaded Kuwait and that word was in every headline and on everyone's lips. I wondered what word might come to dominate my term in office that wasn't raised by members of the Senate Committee during my confirmation hearings.

Three months later, we learned the answer -- Afghanistan and al-Qaeda.

At that June 2001 meeting, months before September 11th -- I cautioned our NATO colleagues as follows:

"We know this much for certain: it is unlikely that any of us here knows what is likely.... None of us...has a crystal ball through which we can clearly see the future. [But] while it is difficult to know precisely who will threaten us or where or when in the coming decades, it is less difficult to anticipate how we will be threatened. We know, for example, that as an Alliance of democracies, our open borders and open societies make it easy and inviting for terrorists to strike at our people where they live [and] work.... Our dependence on computer-based information networks make those networks attractive targets for new forms of cyber-attack. The ease with which potential adversaries can acquire advanced conventional

weapons... will present us with new challenges in conventional war and force projection. Our lack of defenses against ballistic missiles creates incentives for missile proliferation which, combined with the development of nuclear, chemical and biological weapons of mass destruction, give future adversaries the ability to hold our populations hostage to terror and blackmail.... [T]he parallel revolutions of miniaturization, information, biotechnology, robotics, nanotechnology, and high-density energy sources are putting unprecedented power in the hands of small countries and even terrorist groups, foreshadowing changes beyond any ability to forecast.” (See Attachment #3)

These are the kinds of threats that we at Defense were preparing to meet and deal with in the months before September 11th. And during those early months, we made significant progress in the effort to transform for the era of surprise and unconventional threats. They included:

- The Congressionally required Quadrennial Defense Review, completed just days before the 9/11 attacks, laid out the transformation objectives of the Department of Defense.
  - In it, we identified as our first priority, the defense of the territory and people of the United States against a broad range of asymmetric threats – homeland defense.
  - And we made the important decision to move the Department from a "threat-based" to a "capabilities-based" approach to defense planning – an approach that focuses not simply on who might threaten us, or where, or when, but more on how we might be threatened, and what portfolio of capabilities we will need to deter and defend against those new threats.
- We directed the Department to accelerate work on precision strike weapons, and various intelligence capabilities designed to help us deny enemies sanctuary. Our guidance emphasized the synergy to be achieved from long-range air and ground forces.
- We also developed a concept for new Defense Planning Guidance and a new Contingency Planning Guidance. I found that many of the U.S. war plans were more than two years old. In some cases the assumptions on which they had been built had not been adjusted for three or four years. In May of 2001, we began the process of modernizing the way the Department prepares its war plans – reducing the time to develop plans, increasing the frequency with which they would be updated, and structuring the plans to be more flexible and adaptable to the continuing changes in the security environment.
- Following the incident in April where the crew of our EP-3 aircraft was taken prisoner by the Chinese, we made adjustments in the Department’s crisis management organization and process.
- We completed the Congressionally required Nuclear Posture Review, and adopted a new approach to deterrence designed to enhance our security, while mandating historic reductions in our deployed offensive nuclear strategic weapons.

We did all this, I would add, with a skeletal staff. It was not until nearly 6 weeks into the new Administration that Deputy Secretary, Paul Wolfowitz, was confirmed. For many weeks thereafter, he and I were the only confirmed Presidential appointees in the Defense Department. For example:

- The Under Secretary of Defense for Acquisition was not sworn in until May 10th – almost four months after the President took office.
- The Department’s General Counsel and the Secretary of the Navy were not confirmed until May 24th.
- The Secretary of the Army was not confirmed until May 31st.
- The Under Secretary of Defense for Policy – the senior official responsible for many of the issues discussed here – did not take office until July 16th, nearly 6 months into the new Administration.
- The DoD Comptroller, the Department’s top budget official, was not confirmed until May 3rd.
- The Secretary of the Air Force and the Under Secretary of Defense for Personnel and Readiness were not confirmed until June 1st.
- The Assistant Secretary for International Security Affairs was not confirmed until July 16th.



- The Deputy Under Secretary for Policy was not confirmed until July 25th.
- The Assistant Secretary for International Security Policy was not confirmed until August 6th.

For most of the period before 9/11 we were working in a building where many of the most senior officials selected by the President had not been confirmed and were not available to help. So we were without their help for many months. The current system from clearance to confirmation is better suited to the industrial age and needs to be modernized to fit the 21st century.

Notwithstanding those challenges, the few new civilian and the military leaders of the Department did do a significant amount of work in the early months. I held more than 250 meetings during the period before September 11th, many on the subjects described.

- 120 meetings were devoted to strategy and policy reviews;
- More than 100 were on personnel matters to recruit and get the Administration's team on board;
- 26 focused on updating old war plans; and
- 50 or more dealt with budget issues and new priorities for the 21st century challenges.

Those investments in time and energy by senior leaders of the Department paid off. We made important decisions about the strategic direction for the Department and the Armed Forces – decisions that were to be later validated by the decisive campaign that was planned and executed after 9/11.

Indeed, because we were doing all these things -- here in the Department, as well as in the NSC policy review -- the Administration was better prepared to respond when the 9/11 attacks came. We were able to take plans which were limited in their objectives -- plans that had evolved from the late 1990s through the first months of the Administration -- and rapidly modify and enlarge them to meet our broader objectives for Afghanistan. The rapid success in Afghanistan was made possible in part because of work that had been done in previous years and in the preceding seven months – changes in thinking, culture, and strategy that fortunately were underway when new threats emerged -- and which allowed us to move with speed and precision to shatter al-Qaeda in Afghanistan and destroy the Taliban regime in short order.

### **III. The Day Of September 11th.**

On the morning of September 11, 2001, I was hosting a meeting for some of Members of Congress. Ironically, in the course of the conversation, I stressed how important it was for our country to be adequately prepared for the unexpected.

Someone handed me a note that a plane had hit one of the World Trade Center Towers. Later, I was in my office with a CIA briefer when I was told a second plane had hit the other tower. Shortly thereafter, at 9:38 AM, the Pentagon shook with an explosion of a then unknown origin.

I went outside to determine what had happened. I was not there long, apparently, because I am told I was back in the Pentagon, with a crisis action team, by shortly before or after 10:00 AM.

Upon my return from the crash site and before going to the Executive Support Center (ESC), I had one or more calls in my office, one of which I believe was with the President.

I left the ESC and went to the National Military Command Center where General Dick Myers, then Vice Chairman of the Joint Chiefs of Staff, had just returned from Capitol Hill. We discussed and I recommended to the President raising the U.S. Defense Condition level from 5 to 3, and increasing the Force Protection level. We later requested that the Russians be notified of the change and suggested they stand down an exercise they were conducting, which they did.

A summary was provided of the forces available in the Persian Gulf/Arabian Gulf. They included: two aircraft carrier battle groups and more than 200 TLAM cruise missiles among other vessels in the area.

In the National Military Command Center (NMCC), I joined the air threat telephone conference call in progress. One of my first conversations during the conference call was with the Vice President. He informed me of the President's authorization to shoot down hostile aircraft coming toward Washington, D.C.

My thoughts went to the pilots of the U.S. military aircraft that could be called upon to execute that order. I recalled an experience in 1975, while I was serving as White House Chief of Staff, when the ship *Mayaguez* was seized by pirates. During that incident, communications had been beamed into a room where President Ford and the rest of us could hear U.S. pilots as they weighed intercepting a boat moving from an island to the mainland -- very likely with the crew of the *Mayaguez* as captives.

I remember hearing the uncertainty in a pilot's voice -- a young man charged with making a grave decision about firing at or attempting to disable that boat to keep it from reaching the mainland. I find it useful to try to put myself in the shoes of others -- whether a pilot, or a combatant commander. And I tried to put myself into the shoes of the pilots we were asking to be prepared to intercept civilian airliners, over American soil, filled with our neighbors, friends, and relatives -- and possibly having to shoot down those planes -- with row after row of their fellow Americans.

It was clear they needed rules of engagement telling them what they should and should not do. They needed clarity. And there were no rules of engagement on the books for this first-time situation where civilian aircraft were seized and were being used as missiles. Indeed, it may well be the first time in history that U.S. armed forces in peacetime, have been ordered to fire on fellow Americans going about their lawful business.

General Myers and I went to work to fashion appropriate rules of engagement. Throughout the course of the day, we returned to further refine those rules.

I spent the remainder of the morning and into the afternoon in the NMCC and the ESC, participating in the Air Threat Conference, talking to the President or Vice President, or giving guidance and thinking about the way forward. During the course of the day, the President indicated he expected us to provide him with robust options for military responses.

In the first month of the Administration, I had prepared a list of guidelines to be weighed before committing U.S. forces to combat. I had shared them with the President so he would know that, if we were to consider engaging U.S. forces, those were the kinds of considerations I would be weighing and discussing with him.

Let me mention a few of those guidelines:

- First, is the proposed action truly necessary? If lives are going to be put at risk, there must be a darn good reason.
- Next, is the task achievable and at an acceptable risk? It has to be something that the United States is truly capable of doing. We need to understand that we have limitations.
- All instruments of national power should be engaged before, during and after any possible use of force.
- Decisions ought not to be made by committees. If the U.S. needs or prefers a coalition, which in my view it almost always will, it's important to avoid trying so hard to persuade others to join that it could compromise the goals or jeopardize the command structure. The mission needs to determine the coalition.
- If an engagement is worth doing, then the U.S. and coalition partners need to be willing to put

lives at risk -- and leaders have to be willing to invest the political capital necessary to marshal support necessary to sustain the effort for whatever period of time conceivably could be required.

- It's important not to dumb down what's needed by promising not to do things – by saying "we won't use ground forces," or "we won't risk lives," or "we won't permit collateral damage," or "we won't bomb below 15,000 feet," or "we'll set an arbitrary deadline that it will end as of this date." That simplifies the problem for the enemy and makes our task vastly more difficult -- and vastly more dangerous.

I prepared those and the other guidelines attached to my testimony (Attachment #4) long before September 11th – not as rules or a formula to encourage or inhibit military action, but rather as a checklist of questions to consider, so that if we did have to engage our forces, we would do so with a full appreciation of our responsibilities, the risks, the opportunities – and that we would do so decisively.

A few days after 9/11, I wrote down some thoughts on terrorism, and the new kind of war that had been visited upon us. I noted:

- “It will take a sustained effort to root [the terrorists] out.... The world needs to have realistic expectations. This campaign is a marathon, not a sprint. No terrorist or terrorist network, such as al-Qaeda, is going to be conclusively dealt with by cruise missiles or bombers.”
- “The coalitions that are being fashioned will not be fixed; rather, they will change and evolve.... [E]ach country has a somewhat different perspective and different relationships, views and concerns. It should not be surprising that some countries will be supportive of some activities in which the U.S. is engaged, while other countries will not.”
- “Some will be reluctant to join an effort against terrorism or at least some aspects of our efforts. Terrorists terrorize people. We accept that fact.”
- “This is not a war against the people of any country. The regimes that support terrorism terrorize their own people as well. We need to enlist all civilized people to oppose terrorism, and we need to [help] make it safe for them to do so.”
- “This is not a war against Islam.... The al-Qaeda terrorists are extremists whose views are antithetical to those of most Muslims. Their actions... are aimed in part at preventing Muslim people from engaging the rest of the world. There are millions of Muslims around the world who we expect to become allies in this struggle.”

The text of this memorandum is Attachment #5 to my statement.

In the following days, we prepared options for the President. The President issued an ultimatum to the Taliban. When they failed to comply, he initiated the Global War on Terror and directed the Department to carry out Operation Enduring Freedom against al-Qaeda, their affiliates, and the Taliban regime in Afghanistan that harbored and supported the terrorists.

#### **IV. What Steps Have Been Taken Since 9/11**

In the aftermath of 9/11, the Department of Defense has pursued two tracks simultaneously:

- We have prosecuted the global war on terror in concert with other departments and agencies of the U.S. Government; and
- We have continued and, where possible, accelerated, the effort to transform the Department to be able to meet and defeat the threats of the 21st century.

We are having success on both fronts.

What the courageous men and women in uniform have accomplished since our country was attacked 30 months ago is impressive. In the 2½ years since 9/11, with our Coalition partners, they have:

- Overthrown two terrorist regimes, and liberated some 50 million people;
- Hunted down thousands of terrorists and regime remnants in Iraq, Afghanistan and other countries;
- Captured or killed 46 of the 55 most wanted in Iraq -- including Saddam Hussein;
- Disrupted terrorist financing;
- Interdicted shipments of chemical and nuclear weapons components bound for terrorist states;
- Disrupted terrorist cells on several continents; and
- Undoubtedly prevented a number of planned terrorist attacks.

At the same time, we have continued the defense transformation effort that began before 9/11. Our efforts have been driven by the tough question: if another attack were to occur 6 months from today, what would we wish we had done from today and each of the coming days to deter, defeat, or to prepare for it? We have done a great deal.

- We have revised the Unified Command Plan twice since 9/11 and are preparing a third revision. Among other things, we have established:
  - The Northern Command -- an entirely new command dedicated to defending the homeland;
  - A new Joint Forces Command to focus on continuing transformation;
  - A new Strategic Command responsible for early warning of and defense against missile attack and the conduct of long-range attacks; and
- We have changed the Special Operations Command in major ways, expanding its capabilities and its missions, so that it can both support missions directed by regional combatant commanders, but also plan and execute its own missions in the global war on terror, supported by other combatant commands;
- Working with Congress, the Department of Homeland Security was established, and arrangements for cooperation between it and the Defense Department were established in the event of a new terrorist attack.
- After receiving authority from Congress, we established a new Assistant Secretary of Defense for Homeland Defense, with responsibility for interaction with the new Department of Homeland Security;
- We also established an Under Secretary of Defense for Intelligence to help ensure that the Department manages intelligence assets in a manner that best supports the global war on terror and the responsibilities of the Director of Central Intelligence;
- The intelligence community has established a new Terrorist Threat Intelligence Center (or TTIC) -- a multi-agency joint venture designed to help the intelligence, law enforcement, and defense communities better integrate terrorist threat-related information and analysis;
- DoD assigned additional military personnel to the CIA's Counter Terrorism Center (CTC), to strengthen collaboration between the CTC and the military;
- We have taken steps to strengthen U.S. non-proliferation efforts, including the launch of the Proliferation Security Initiative -- an unprecedented international coalition to strengthen the international community's ability to interdict shipments of weapons of mass destruction, delivery systems, and related materials at sea, in the air, and on the ground. The effort was launched in the summer of 2003, with 10 like-minded countries, and in the months since more than 40 more countries have offered support. Already there have been important successes -- including interdictions of both nuclear and chemical weapons components;
- And government has improved relationships between and among our intelligence agencies and law enforcement agencies around the world. That cooperation is delivering results, including:
  - The uncovering of the A.Q. Kahn nuclear trading network;
  - The exposure and dismantling of Libya's WMD programs;
  - The rooting out of rings that finance terrorism; and
  - The prevention of planned terrorist attacks.
- We have strengthened existing defense intelligence counter-terrorism capabilities by establishing the new Joint Integrated Task Force--Counter-Terrorism (JITF-CT) under the

Defense Intelligence Agency -- an intelligence fusion center to support the global war on terror focused on providing strategic and tactical warning, exposing and exploiting terrorist vulnerabilities, and preventing terrorists and their sponsors from acquiring weapons of mass destruction;

With our NATO Allies, we have created a new NATO Response Force to give the Alliance the kind of rapid reaction capability that, had it existed on September 11th, could have enabled NATO to contribute to combat operations in Afghanistan in a timely manner;

- The demands presented by the global war on terror have led to our establishing new strategic relationships that would have been unimaginable just a decade ago – including the nations of Central Asia, the Caucasus, the Horn of Africa, as well as South Asia; and
- We have undertaken a comprehensive review of our global force posture, with the goal of transforming U.S. global capabilities from an arrangement driven by where the wars of the 20th century ended, to a posture that positions us to deal with the new threats of the 21st century security environment.

In addition, Operation Enduring Freedom and Operation Iraqi Freedom have sent a clear message to the world's terrorist states: harboring terrorists and the pursuit of weapons of mass murder carries with it unpleasant costs. By contrast, leaders who abandon the support of terrorism and the pursuit of those weapons can find an open path to better relations with the world's free nations.

## **V. Some Questions That Have Been Posed**

In the period since the September 11th attacks, the Administration, several Committees of Congress, and now this Commission, have taken on the task of examining what happened on that treacherous day. And a number of questions have been raised.

***Some have asked: When the Administration came into office, was there consideration of how to deal with the attack on the U.S.S. Cole? Were there steps that might have been taken to send terrorists a message that the U.S. Government was serious about terrorism?***

That is a fair question. I do not believe that launching another cruise missile strike 4 months after the fact would have sent a message of strength to terrorists. Indeed, it might have sent a signal of weakness. Instead, we went to work implementing the recommendations of the Cole Commission and developing a more comprehensive approach to deal with al-Qaeda -- resulting in NSPD-9.

Meanwhile, a system managed by the Counter-Terrorism Security group was in place to coordinate security alerts and increased security postures at home and abroad, including force protection measures at U.S. military bases overseas.

***Some have asked: Why wasn't bin Laden taken out, and if he had been hit, would it have prevented September 11th?***

First, I know of no actionable intelligence since January 20, 2001 that would have allowed the U.S. to attack and capture or kill Usama bin Laden. In the 2 ½ years since September 11th, all the nations of the Coalition have focused a great deal of time, energy and resources on the task of finding him and capturing or killing him. Thus far none of us has succeeded. But we will. It took ten months to capture Saddam Hussein in Iraq – and Coalition forces had passed by the hole he was hiding in many times during those ten months. They were able to find him only after someone with specific knowledge told us where he was. What that suggests is that it is exceedingly difficult to find a single individual who is determined to not be found.

Second, even if bin Laden had been captured or killed in the weeks before 9/11, no one I know believes it would have prevented 9/11. Killing bin Laden would not have removed the al-Qaeda's sanctuary in Afghanistan. Moreover, the sleeper cells that flew the aircraft into the World Trade Towers and the Pentagon were already in the U.S. some months before the attacks. Indeed, if the

stars had aligned, actionable intelligence had appeared, which it did not, and if it had somehow been possible to successfully attack him, it would have been a good thing, to be sure, but, regrettably, 9/11 would likely still have happened. And, ironically, much of the world in all likelihood would have blamed September 11th on the U.S. as an al-Qaeda retaliation for the U.S. provocation of capturing or killing Usama bin Laden.

***Some have asked whether there were there plans to go after al-Qaeda in Afghanistan before 9/11 and, if so, why weren't they implemented?***

I have recently reviewed a briefing that I am told was presented to me in early February, 2001. The brief outlined some approaches for dealing with Usama bin Laden – which, as I have indicated, I believe would not have prevented 9/11. And, I would not describe the briefing I saw as a comprehensive plan to deal with al-Qaeda and its sanctuary in Afghanistan.

I am told that I asked the briefer many questions and that the team went back and worked on refining their proposed approaches. The work they did in the ensuing months helped prepare the Department for Operation Enduring Freedom and the successful invasion of Afghanistan so soon after 9/11.

One thing is clear -- as of February 2001, we had not yet developed the kind of clear new policy direction which must properly precede the development of war plans. The NSC was at work during the spring and summer of 2001 developing a new counter-terrorism policy needed to inform new war plans. And we were at the same time in the process of overhauling all U.S. contingency plans.

***Some have asked if it would have been possible to arm the Northern Alliance before 9/11 and might that have tied up the Taliban and al-Qaeda in a civil war in Afghanistan and prevented 9/11?***

The answer is that: while doing so might have attrited al-Qaeda somewhat, it is highly unlikely such a strategy could have prevented 9/11. What was needed at the time was a new U.S. policy for the region, including our relationship with Pakistan, India, and Uzbekistan, and a more comprehensive strategy to eliminate al-Qaeda – which is what the NSC was working on.

Others have asked: Was there a spike in intelligence and terrorist chatter in the June/July 2001 timeframe – and what did the U.S. government do about it?

The answer to the intelligence question is yes there was a spike, as has been indicated by the Director of Central Intelligence. I am reminded that most of that intelligence was focused on overseas threats and some of it focused on potential hijackings, and that steps were taken by the FAA to warn about potential hijackings. However, I don't recall receiving anything in the months prior to 9/11 that suggested terrorists might take commercial airliners and use them as missiles to fly into buildings like the World Trade Center Towers or the Pentagon.

***Some have asked: Could the development of the armed Predator been accelerated?***

First, let me say that any suggestion that the Predator was delayed would be inaccurate. The Air Force did a good job of bringing in the armed Predator in near record time. Indeed, I am told that when General John Jumper was presented with the development plans, he was originally told it would take several years. He said: do it in one year. In fact, it was done in less than a year. Not only did they rapidly bring that capability online, they overcame a number of technical challenges to do so – from reinforcing the UAV's wings to make sure the Hellfire missile didn't blow the wings off, to expanding the "frag pattern" of the warhead to make it somewhat more effective against intended targets. In short, the Armed Predator was deployed, and played a role in the success of Operation Enduring Freedom well before it had been officially certified as ready for deployment. The Air Force, the CIA and others involved can be properly proud.

## VI. Suggestions for the Future

The nature of the war we are fighting today, and the adversary we face, is unlike anything our nation has faced before. Terrorist threats have been around before, to be sure. But the threats have changed in recent years – growing in boldness and lethality.

According to the State Department, there were 230 terrorist incidents between January 1968 and September 11, 2001 in which a total of almost 1,000 Americans were killed. (See Attachment #6) There were three times that number of Americans killed in one day on September 11th.

Today, we face adversaries who:

- Hide in plain sight;
- Take advantage of our open borders and open societies to attack our people;
- Use the institutions of everyday life – planes, trains, cars and letters – as weapons to kill innocent civilians; and
- Can attack with just handfuls of people, at a cost of just hundreds or thousands of dollars – while it requires many tens of thousands of soldiers and billions of dollars to defend against such attacks.

Rooting out and dealing with such enemies is tough. It will require many years. And it will require that we think differently than we did in the 20th century – and that we wrestle with difficult questions about how we go about fighting such an enemy.

The recommendations this Commission may make could help.

For example, you might consider some of the following questions:

### ***How can we strengthen the Intelligence community and get it better arranged for 21st century challenges?***

I have heard the argument that, in the wake of 9/11, we need to take all the various intelligence agencies, consolidate them, and put them under the leadership of a single “intelligence czar.” While these recommendations are well intentioned, we would not be doing the country a favor by centralizing intelligence. There are certain areas in life, like intelligence and research and development, where it is a mistake to rely on a single source. Instead, fostering multiple centers of information has proven to be better at promoting creativity and challenging conventional thinking. This is true of intelligence. There may be ways we can strengthen intelligence – but centralization is not one.

One possibility might be to consider reducing stovepipes. There is a good reason for having intelligence compartmentalized. It is a fact that the more people who know something, the more likely that information will be compromised. So there is a risk in breaking down stovepipes and integrating intelligence centers horizontally so that analysts have access to all the information they need. In a time when threats can emerge rapidly, with little or no warning, we need to weigh that risk of expanding access and risking compromise against the risk of not breaking down compartments and denying access. We need to consider whether they are greater than the risk of keeping information so tightly compartmentalized that people who need to know it, use it, and integrate it with other intelligence are kept in the dark.

We need to ensure that the laws and regulations that govern the gathering of intelligence make sense in today's world, and we should re-evaluate those that may be based on outdated technologies and that did not contemplate today's information technology environment.

We need to ensure that laws and regulations do not unduly restrict the sharing of information between U.S. law enforcement and intelligence agencies.

Whatever is recommended, it is critical that the organization and management of the nation's intelligence capabilities are done in a manner that preserves the unique relationship between the DCI and the Secretary of Defense. As each year goes by, it is increasingly difficult to distinguish between information that contributes to national intelligence versus information that is necessary for military intelligence and focuses on the battlefield. And we must do all this while finding a way to ensure that foreign intelligence of interest to domestic security efforts is collected and made available.

If one believes it could be necessary to centralize all intelligence under a single intelligence czar to improve national intelligence, then one can argue it equally forcefully that it is necessary to centralize all intelligence under the Department of Defense to improve military intelligence. Either course would be a major mistake and could damage our country's intelligence capability severely.

***How can we wage war not just on terrorist networks, but also on the ideology of hate they spread?***

The global war on terror will, in fact, be a long, hard slog. Victory will require a sustained effort, over many years, to root out terrorist networks, deny them sanctuary, disrupt their financing, and hold to account states that sponsor or provide sanctuary to terrorists. But I am convinced that victory in the global war against terrorism will require a positive effort as well.

We need to find creative ways to stop the next generation of terrorists from being recruited, trained, financed and deployed against free people. For every terrorist that coalition forces capture, kill, dissuade or deter, still others are being recruited and trained. To win the war on terror, we must also win the war of ideas -- the battle for the minds of those who are being recruited by terrorist networks across the globe.

***What is the proper balance between security and privacy?***

That is a tough question that our society is working through. I don't pretend to know the answers. But I do know that if we analyze, discuss and decide this issue as a 20th century problem, we will get it wrong. We need to recalibrate our thinking to fit the new century.

***How can we transform the nomination and confirmation process so we don't have long gaps with key positions unfilled each time there is a new Administration?***

As I have indicated, for most of the seven months leading up to 9/11, the Defense Department was working without most of the senior officials responsible for the critical issues we were tackling. We ought to consider whether, in the 21st century, our nation can afford the luxury of taking so long to clear and put in place the senior officials responsible for the security of the American people? And if we do not have that luxury, as I believe we do not, what reforms to the clearance, nomination and confirmation process might be appropriate?

***Could our nation benefit from a Goldwater-Nichols-like law for the Executive Branch of the U.S. Government?***

The Goldwater-Nichols Act in the 1980s helped move DoD towards a more effective "joint" approach to warfighting -- where instead of just de-conflicting, the individual services were pressed to work together in ways that created power beyond the sum of the Services' individual capabilities. To achieve that better joint war fighting capability, each of the services had to give up some of their turf and authorities and prerogatives.

Today, one could argue that the Executive Branch of Government is stove-piped much like the four



services were nearly 20 years ago. So the question arises: could we usefully apply the concept and principles of DoD's Goldwater-Nichols to the U.S. Government as a whole? Should we ask whether it might be appropriate for the various departments and agencies to do what the services did two decades ago – give up some of their existing turf and authority in exchange for a stronger, faster, more efficient government wide joint effort?

And how might we work with Congress to mirror any related changes or reforms in the Executive Branch?

## **VII. Conclusion**

Think about what has been done since the September 11th attacks: two state sponsors of terrorism have been removed from power, a 90-nation coalition has been formed which is cooperating on a number of levels – through diplomacy, law enforcement, military action, financial and economic measures, information and intelligence. Some of these actions are public and seen – still others are unseen, with operations that must remain secret, even in success.

All of these actions are putting pressure on terrorist networks. Taken together, they represent a collective effort that is unprecedented -- which has undoubtedly saved lives, and made us safer than before September 11th.

And yet, despite that pressure and that collective effort, terrorist attacks have continued: in Bali and Baghdad, Jakarta and Jerusalem, Casablanca and Riyadh, Mombasa and Istanbul, and most recently the bombings in Madrid. It is likely -- indeed almost certain -- that, in the period ahead, somewhere, somehow, more terrorist attacks will be attempted -- even here in the United States. Certainly intelligence powerfully points to terrorist efforts to do just that.

What can be done? We can remain vigilant. We can continue the efforts underway to transform the institutions of government – military, intelligence, law enforcement and homeland defense -- to better focus on the threats of the 21st century. We can continue working with allies and partners around the world. And we can continue rooting out terrorist networks, dealing with the proliferation of dangerous weapons of mass murder, and denying terrorists sanctuary.

Not long ago, we marked the 20th anniversary of another terrorist attack: the suicide bomb attack on the U.S. Marine barracks in Beirut -- a blast that killed more than 240 Americans. Soon after that attack, President Ronald Reagan and Secretary of State George Shultz asked me to serve as Presidential Envoy for the Middle East. That experience taught me lessons about the nature of terrorism that are relevant today as we prosecute the global war on terror.

After the attack, one seemingly logical response was to put cement barricades around buildings to prevent more truck bombings. But the terrorists quickly figured out how to get around those barricades: they began lobbing rocket-propelled grenades over the cement barriers. The reaction was to hunker down even more. We started seeing buildings along the Corniche, the boardwalk that runs along the sea in Beirut, Lebanon, draped with a metal mesh, so that when rocket-propelled grenades hit the mesh, they would bounce off, doing little damage. It worked, only briefly. And the terrorists again adapted. They watched the comings and goings of embassy personnel and began hitting soft targets – killing people on their way to and from work. So for every defense that was put up, first barricades, then wire mesh over buildings, the terrorists moved to another avenue of attack.

Not long after that experience – in 1984 – I spoke to the Association of the United States Army, the text of which I have submitted with my testimony today as Attachment #7. I noted that terrorists had learned important lessons. They had learned that terrorism:

“is a great equalizer, a force multiplier. It is cheap, deniable, yields substantial results, is low risk, and ... [often] without penalty.” They had learned that “[a] single attack ... by

influencing public opinion and morale, can alter the behavior of great nations..."

Moreover, I said, free people had learned lessons as well -- that terrorists have a sizable advantage:

"Terrorist attacks can take place at any time, [in] any place, using any technique," and "regrettably, it is not possible to defend every potential target, in every place, at all times, against every form of attack."

I said that:

"Terrorism is a form of warfare, and must be treated as such. As with other forms of conflict, weakness invites aggression. Simply standing in a defensive position, absorbing blows, is not enough. Terrorism must be deterred."

That was 20 years ago. But the lessons apply to our circumstance today.

When our nation was attacked on September 11th, the President recognized that what had happened was an act of war and must be treated as such -- not as a law enforcement matter. He knew that weakness would only invite aggression; and that the only way to defeat the terrorists was to take the war to them -- to go after them where they live and plan and hide, and to make clear to states that sponsor and harbor them that such actions will have consequences.

As the President has made clear this wasn't about law enforcement. He declared that henceforth:

"any person involved in committing or planning terrorist attacks against the American people becomes an enemy of this country . . . . Any person, organization, or government that supports, protects, or harbors terrorists is complicit in the murder of the innocent and equally guilty of terrorist crimes. [And] any outlaw regime that has ties to terrorist groups and seeks or possesses weapons of mass destruction is a grave danger to the civilized world -- and will be confronted."

In the ensuing two years, thousands of terrorists have been rounded up, and two terrorist regimes have learned the President meant what he said.

That is why our country and our coalition is at war today. That is why we have forces risking their lives, at this moment, fighting terrorists in Afghanistan and Iraq and elsewhere across the world. That is why the President is marshalling all elements of national power -- military, financial, diplomatic, law enforcement, intelligence and public diplomacy. Because to live as free people in the 21st century, we cannot think we can hide behind concrete barriers and wire mesh. We cannot think that acquiescence or trying to make a separate peace with terrorists to leave us alone, but to go after our friends, will work. Free people cannot live in fear and remain free. The only course is to stop terrorists before they can terrorize.

That is the task.

Thank you, Mr. Chairman. Deputy Secretary of Defense Paul Wolfowitz and the Chairman of the Joint Chiefs of Staff, General Dick Myers and I would be happy to respond to questions.

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