

July 1, 2003

The Honorable Tom Ridge
Secretary
Department of Homeland Security
Washington, D.C. 20528

Dear Mr. Secretary:

I appreciate your response of June 17, 2003, to the letter that I wrote to the President on April 29, 2003, regarding issues related to the control, composition, location – and ultimately the effectiveness - of the new Terrorist Threat Integration Center (TTIC). I continue to believe that the creation of an all-sources center to analyze intelligence is a positive step in our government's war on terrorism but I remain concerned that the nature of this new center does not maximize our potential to "connect the dots," so that we can predict and, hopefully, stop the next terrorist plot.

Most importantly, after reading your response, I still do not know who is ultimately responsible for ensuring that information from the CIA, the FBI, state and local law enforcement, and other homeland security officials is gathered and analyzed for a comprehensive, 360-degree perspective in order to prevent future terrorist attacks.

As I stated in my letters to you and to the President dated April 29, 2003, the Department of Homeland Security was created, among other reasons, to streamline the management of intelligence and law enforcement information related to domestic terrorism to prevent attacks like those we experienced on September 11. The Homeland Security Act clearly places primary responsibility and accountability for analysis of domestic intelligence information within the Department's Information Analysis and Infrastructure Protection directorate.

Your post, Mr. Secretary, was intended to be the most senior official in our government responsible for protecting our homeland. Allow me to call your attention to the Homeland Security Act which specifies that one of the primary responsibilities of your Under Secretary for Information Analysis is "to access, receive, and analyze law enforcement information, intelligence information, and other information from agencies of the federal government, state and local government agencies (including law enforcement agencies) and private sector entities, and to integrate such information, in order to (a) identify and assess the nature and scope of terrorist threats to the homeland, (b) detect and identify threats of terrorism against the United States; and (c) understand such threats in light of actual and potential vulnerabilities of the homeland." The vital oversight of the homeland security intelligence function should not be given to someone other than the Secretary of Homeland Security.

The Administration, however, chose not to place this vital intelligence function within the Department. It created instead a separate Terrorist Threat Integration Center under the Director of Central Intelligence, adding yet another layer outside the Department of Homeland Security to an already diffused system, and raising a number of questions, which your letter did not answer. It is unclear, for example, how experts and officials outside the traditional intelligence community will be able to provide or receive information, or contribute to the analysis of the information available to TTIC. Nor is it clear that DHS intelligence analysts, whether they are at TTIC or at the Department, will have unfettered access to the information they need to protect the country adequately.

The end result, I fear, is an intelligence apparatus burdened by the same handicaps that failed the nation on September 11. It remains an exclusive club, insufficiently interwoven with counter terrorist experts and experienced officials outside the intelligence community, particularly those among state and local law enforcement. And yet, each component remains secure in the knowledge that it retains control over the intelligence it obtains and analyzes.

I appreciate your depiction of the partnership involved in the “joint venture” of TTIC but you specifically state that all of the members of TTIC are intelligence community members and that the Director of the Intelligence Community will oversee all of their activities. I am sure this set up is providing new benefits in our counter terrorism efforts. But it nonetheless remains isolated from other federal, as well as state and local entities, and it is this isolation and failure to share information that doomed our ability to unmask the deadliest of terrorist plots.

One of the primary lessons from the events of September 11 is that individuals outside the intelligence community, and even outside the federal government, might hold crucial pieces to the terrorist plot puzzle. Your letter states that some of the analysts at TTIC have experience in the field at the local level that will enable them to do analytical work with that perspective in mind. That may be the case. However, it is highly doubtful that they will be able to adequately represent the perspectives of those local police and state officials who have extensive experience working in counter terrorism operations and investigations. We will have a much better chance of stopping attacks if the threat analysis center effectively integrates and utilizes the knowledge, skills, and information of those outside the intelligence community.

The history of the Phoenix memo is all the evidence we need to recognize the dangers of exclusivity. That memo, from the Phoenix office of the FBI, raised the issue of suspicious individuals seeking flight lessons. It was not shared with others before September 11 and was not shared with the FAA until six months after September 11. The intelligence community reportedly is still resisting the release of the memo in the Joint 9/11 Inquiry report of the House and Senate Intelligence Committees.

The addition of another layer to the intelligence apparatus outside DHS heightens the possibility that Phoenix memos of the future may also fall between the cracks. In fact, one might reasonably conclude that a system comprised of the FBI's

Counterterrorism Division (CTD), the CIA's Counterterrorist Center (CTC), the Intelligence Community's TTIC, and the Department of Homeland Security's Directorate of Intelligence Analysis and Infrastructure Protection was designed specifically to diffuse accountability and maintain each entity's control over its own intelligence information.

Your letter also states that some Department of Homeland Security analysts will work at TTIC and those analysts will have access to all of TTIC's information. But, the crucial question is will they have unfettered access to all of the raw intelligence and law enforcement information at the *other* centers? If not, then the problem that existed prior to September 11 with information such as the Phoenix memo will still exist. Without unfettered access, analysts in your department may not know exactly what to ask for, just as the Federal Aviation Administration (FAA) did not know to ask for the Phoenix memo. DHS's analysts must have unfettered access to all of TTIC's information as well as to all of the information residing in the other intelligence centers, unless, as the Homeland Security Act states, the President determines otherwise. That is the only way to ensure that all of the agencies represented at TTIC are actually working together as one.

It is my firm view that a counter terrorist architecture for our homeland's domestic security must have a rock solid and unified foundation and be guided by the Secretary of Homeland Security. Operating at least four centers of intelligence analysis (even though one is supposedly a joint venture) with highly selective membership, without clear responsibility and authority in the Secretary of Homeland Security, may not give us the desired and necessary powerful counter punch that we need to blunt and eliminate terrorist threats to our homeland. This approach, rather than that prescribed in the Homeland Security Act, may well leave our nation unnecessarily at risk.

As I stated at the beginning of this letter, I appreciate your response on behalf of the President. As you know, I wrote to you a similar letter with some additional questions regarding TTIC and the decisions surrounding it. I will look forward to your response to those questions as well as your further clarification of the issues I have addressed today.

Respectfully,

Senator Joe Lieberman
Ranking Member

cc: The Honorable Susan M. Collins
Chairman