

**UNCLASSIFIED**

**FOR RECORD**

**STATEMENT BY**

**MAJOR GENERAL TIMOTHY LOWENBERG  
THE ADJUTANT GENERAL – WASHINGTON NATIONAL GUARD  
AND  
DIRECTOR, WASHINGTON MILITARY DEPARTMENT**

**BEFORE THE**

**HOUSE COMMITTEE ON HOMELAND SECURITY  
SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING &  
TERRORISM RISK ASSESSMENT**

**ON**

**IMPROVING INFORMATION SHARING BETWEEN ALL LEVELS OF LAW  
ENFORCEMENT**

**May 25, 2007**

**UNCLASSIFIED**

**TESTIMONY OF  
MAJOR GENERAL TIMOTHY J. LOWENBERG  
ADJUTANT GENERAL, STATE OF WASHINGTON  
BEFORE THE HOUSE COMMITTEE ON HOMELAND SECURITY  
SUBCOMMITTEE ON INTELLIGENCE, INFORMATION SHARING &  
TERRORISM RISK ASSESSMENT**

Good afternoon, Mr. Chairman and distinguished members of the Committee. For the record, I am Major General Tim Lowenberg, Adjutant General of the State of Washington. I am also Chair of the National Governors Association (NGA) Homeland Security Advisors Council and Chair of Homeland Defense and Homeland Security for the Adjutants General Association of the United States (AGAUS). In addition to my Army and Air National Guard command responsibilities, state law designates the Adjutant General as the state's senior emergency management official and vests in me the responsibility to "administer the comprehensive emergency management program of the state of Washington (RCW 38.52.005).

I wish to emphasize that although I am a federally recognized and U.S. Senate-confirmed Air Force general officer, I appear before you today solely in my capacity as a state official.

**We are a Nation at War!**

We are a nation at war! That is the "ground truth" that must drive all of our data collection, information sharing and intelligence fusion and risk assessment actions.

We have been under attack since Al-Qaeda operatives prevailed in a decade-long battle against one of the world's two acknowledged "Super Powers" in Afghanistan. Having watched the Soviet Union implode and literally cease to exist within two (2) years of the conclusion of that bloody conflict in 1989, Al-Qaeda began systematically attacking United States interests at home and abroad. The ongoing conflict has already lasted longer than America's involvement in World War II -- with no end in sight. More than three thousand U.S. residents perished in the September 11, 2001 attack. Today, all American communities, large and small, are part of a new and frighteningly lethal 21<sup>st</sup> Century global battle space.

Our adversaries' intentions – and commitment – are manifestly clear. At his sentencing for masterminding the 1993 bombing of the World Trade Towers, Sheik Omar Abdul Rahman (the "Blind Sheik") declared: "God will make America disappear from the surface of the earth, as He has made the Soviet Union disappear!"

**We Are Safer Today – But Not Safe**

As the Governor's Homeland Security Advisor and Chair of the NGA Homeland Security Advisors Council, I am often asked if we are safer today than we were on September 11, 2001. In other words, are we safer today than when we were last attacked?

The principal studies and statutory materials I rely upon in responding to this question include the 9/11 Commission Report; the Homeland Security Act of 2002; the Intelligence Reform and Terrorism Prevention Act of 2004; the December 2004 Homeland Security Advisory Council Intelligence and Information Sharing Initiative chaired by then-Governor Mitt Romney; and the 2006 Law Enforcement Assistance and Partnership Strategy. The 9/11 Commission Report reminds us that "Since 9/11, the United States and its allies have killed or captured a majority of al-Qaeda's leadership; toppled the Taliban, which gave al-Qaeda sanctuary in Afghanistan; and severely damaged the organization. Yet terrorist attacks continue. Even as we have thwarted attacks, nearly everyone expects they will come. How can this be? The problem is that al-Qaeda represents an ideological movement, not a finite group of people. It initiates and inspires, even if it no longer directs. ... Because of the offensive actions against al-Qaeda since 9/11, and defensive actions to improve homeland security, we believe we are safer today. But we are not safe."

I concur with this analysis. To the obvious threats posed by al-Qaeda's "ideological movement", I would add the dangers of home-grown terrorism to include the growing and disturbing phenomenon of U.S. prison radicalization. These domestic threats can only be dealt with by leveraging the vastly superior numbers and "boots on the ground" contacts of state and local law enforcement officials.

To improve domestic security, the 9/11 Commission stressed the importance of *unity of effort* within the intelligence and information sharing community and urged, among many recommendations, targeted intelligence initiatives to create (1) a national counter-terrorism center to unify strategic intelligence and operational planning; (2) a national intelligence director to unify the intelligence community; (3) increased congressional oversight; and (4) establishment of a specialized and integrated national security unit within the FBI.

Subsequent to the 9/11 Commission report, the Homeland Security Advisory Council released a report in December 2004 that focused specifically on the nation's intelligence and information sharing requirements and went even further in recommending:

- Effective prevention efforts must be information-driven and risk-based.
- Federal, state, tribal and local authorities must work together with the private sector to assess threat, vulnerability, risk and consequence.
- State, tribal, local and private entities are now "consumers" of accurate, timely and actionable intelligence.
- The federal government needs to develop a reliable and organized conduit for providing information to state, tribes, and localities.
- The federal government should emphasize providing current and actionable unclassified information.

- *The collectors of intelligence; state, tribal and local entities are now partners with the federal intelligence community.* \*
- The federal government should take steps to ensure domestic intelligence/information activities are carried out in a consistent fashion.
- *State, tribal and local governments need to collect, analyze, disseminate and use intelligence and information as part of their day-to-day operations.* \*
- DHS should gather and share best practices.
- *Statewide intelligence/information fusion centers should be an important part of national intelligence/information sharing efforts.* \*
- *Each state should establish an information center that serves as a 24/7 “all-source,” multi-disciplinary, information fusion center.* \*

\* (emphasis added)

Two years after release of the Homeland Security Advisory Council report, the House Committee on Homeland Security proffered additional and more precisely focused recommendations in its Law Enforcement Assistance and Partnership (LEAP) Strategy. I applaud the House Committee’s analysis and concur with many of the LEAP Strategy recommendations including establishing a national center for intelligence-led policing; establishing a law-enforcement presence overseas; creating intelligence fusion centers at or near our borders; supporting grant programs to assist local law enforcement education and teaming; enhancing vertical information sharing between levels of law enforcement; assuring timely accessible security clearances for law enforcement; and continual surveying efforts to provide feedback on intelligence system effectiveness. If authorized and funded, these initiatives would enhance unity of effort and fundamentally improve our nation’s domestic security.

To date, however, most of the attention and funding for these and other initiatives have been focused at the federal level. While continuously improving federal interagency operations, we must also be mindful that terrorist attacks and criminal activities that support terrorist activities occur in local communities and local citizens are the primary victims. Unless and until the federal government also supports and funds a national strategy of state and local counter-terrorism capacity building, homeland security will continue to be an illusive goal.

### **Federal-Centric First Steps**

In 2003 the Terrorism Threat Integration Center (TTIC) was formed to provide a comprehensive assessment of potential terrorist threats to U.S. interests. The TTIC included the Department of Homeland Security, the FBI's Counterterrorism Division, the Central Intelligence Agency’s Counterterrorist Center, the Department of Defense and other U.S. Government agencies. The Intelligence Reform and Terrorism Prevention Act of 2004 renamed the TTIC the National Counterterrorism Center (NCTC) and placed it under the control of the United States Director of National Intelligence (DNI). The NCTC vision statement calls for it to serve as the nation's center of excellence for counterterrorism and to eliminate the threat of terrorism through integrated, dedicated and

disciplined strategic operational planning and counterterrorism intelligence. One of its stated objectives is to operate as a partnership of organizations including: the Central Intelligence Agency; the Department of Justice/Federal Bureau of Investigation; the Departments of State, Defense, and Homeland Security; and other entities that provide unique expertise such as the Departments of Energy, Treasury, Agriculture, Transportation, and Health and Human Services; the Nuclear Regulatory Commission; and the US Capitol Hill Police.

While this vision, purpose, and strategy are prudent and highly important, I mention the creation of the TTIC and NCTC as an illustration of the federal-centric nature of many of our initial homeland security initiatives. Without diminishing the importance of these and other federal government actions, they must be part of a larger enterprise strategy of federal-state-tribal-local capacity building, especially in the areas of intelligence fusion and information sharing. As DHS moves forward with efforts to create uniform information sharing guidelines, it is imperative that they have a better understanding of state operations and how state, tribal and local operations can enhance our overall national intelligence system. State intelligence fusion centers have had to be built almost exclusively through state and local perseverance, not as a result of any federal encouragement or federally-supported national strategy. Even after release of the Homeland Security Advisory Council's Intelligence and Information Sharing Initiative report touting the national security benefits of state-tribal-local intelligence fusion centers, financial support from DHS and OMB was not forthcoming. Only after a substantial number of states established such centers and others were clearly in the process of doing the same did DHS and OMB belatedly begin providing limited funding support for these state and local operations.

With American communities at the heart of the new 21<sup>st</sup> Century battle space, we cannot afford to “manage” the consequences of future terrorist attacks. We must be able to detect, deter, intercept and prevent such attacks from occurring. That can only be done through the systematic gathering, assessment, distillation and dissemination of actionable intelligence. The LEAP report accurately notes that intelligence analysis has heretofore been the near-exclusive domain of the federal government and that we have been slow to recognize that local, state, and tribal law enforcement professionals, if properly resourced, are our nation's true “eyes and ears” and can substantially enhance our nation's security.

When planes were flown into buildings on September 11, 2001 it was the brave men and women of local police and fire departments who heroically responded. That same sense of urgency and commitment exists today in our state, tribal and local intelligence fusion centers.

**-- Enhancing State and Local Intelligence Fusion Capacity--  
Creating a “National” Intelligence System that Makes our Nation Safer!**

**Capitalizing on an All-Crimes Approach**

To develop a broader intelligence sharing system, additional information, that is to say information other than that which has a clear nexus to terrorism, must be considered. To that end, the LEAP report observed:

Everyday, police and sheriffs' officers collect millions of pieces of information during the course of their work – the kind of information that, if properly analyzed and integrated, can form the basis of highly informative law enforcement intelligence reports. That is what “intelligence-led policing” or ILP is all about.

Another proponent of ILP, Michael Downing, Commander of the Los Angeles Police Department's Counter-Terrorism/Criminal Intelligence Bureau, has opined:

The success and understanding of community based policing philosophies and community based government practice [has] set the stage for local, state, and federal law enforcement partners to construct the building blocks for shared and fused intelligence that will prevent, deter, disrupt, and interdict planned terrorist acts targeting America. This intelligence model of policing should be robust enough to incorporate an “all-crimes, all-hazards” approach, resisting terrorism as well as crime and disorder.

The state of Washington has firmly embraced an all-crimes approach to the collection, analysis and dissemination of intelligence information. The State's fusion center, known as the Washington Joint Analytical Center or WAJAC, regularly dispenses actionable intelligence and Be-On-the-Look Out (BOLO) information related to terrorism as well as a variety of topics including missing children, stalking suspects, counter-drug and narcotics interdiction missions, auto-theft rings, and organized gangs.

This kind of information can only become fully actionable when state, tribal and local fusion centers are linked together by consistent communications architecture within states and throughout the nation. A national – as opposed to a federal -- intelligence center information operations (IO) strategy would facilitate the horizontal and vertical sharing of “real time” classified and law enforcement sensitive information.

We should also leverage the skills and capabilities of trained and experienced analysts and subject matter experts from our state prison systems and from non-law enforcement disciplines such as the Army and Air National Guard and Public Health.

### **The Need for Predictable and Sustainable Federal Funding**

Above all else, however, what jeopardizes the operations of state and local intelligence fusion centers in Washington and all other states is the lack of predictable and sustainable funding. Current federal grant guidelines (Information Bulletin – IB235) authorize funding support for intelligence analysts for only the 2 year performance period of the FY 2006 UASI and LETPP programs.

FY 2006 grant guidance (pages 33-34, 83, 89):

“Furthermore, costs associated with hiring new intelligence analysts are allowable only for the period of performance of the FY 2006 UASI and LETPP programs. Upon close-out of the FY 2006 grants, States and Urban Areas shall be responsible for supporting the sustainment costs for those intelligence analysts.”

FY 2007 HSGP Grant Guidance (pages 26 and B-1):

“Costs associated with hiring new intelligence analysts are allowable for only two years, after which States and Urban Areas shall be responsible for supporting the sustainment costs for those intelligence analysts.”

Although there are no references to intelligence analysts in the congressional appropriation bills, the Department of Homeland Security, as a matter of discretion and policy, has issued IB235 which tracks both grant guidelines and applies the two year limitation to both years’ funding. These limitations, coupled with the overall uncertainty and unpredictability of federal grant funding, create continuous staff turnover and prevent state and local fusion centers from developing a cadre of experienced career analysts. The federal government wouldn’t think of contracting out its Intelligence functions, yet the DHS policy essentially forces state and territorial governments to rely upon contract personnel hired for only a 2-year grant performance period. States are predictably unable to recruit and retain skilled personnel when federal grant guidelines accommodate only short-term, “temporary” contractor assistance.

### **Synchronizing State and Federal Information Sharing and Intelligence Analysis**

Washington State’s proximity to the Canadian land border, coupled with our proximity to Puget Sound and the Pacific Ocean, provide ample air, land and maritime routes of illegal entry for those who would do us harm. These geographic vulnerabilities substantially increase the risk of a terrorist attack especially when viewed against the backdrop of the world “stage” that will be presented to terrorist cells by events such as the 2009 World Police and Fire Games and the 2010 Winter Olympics and Paralympics. Many of these events will be held in and near Vancouver, British Columbia at venues within 35 miles of Washington State communities. If domestic or transnational terrorists were to plot an attack in conjunction with these international events, it is likely that pre-operation planning and surveillance will be conducted from within the state of Washington. Given al-Qaeda’s modus operandi, such planning might even be occurring in our region today.

Developing a closer, more disciplined information sharing relationship between local, state, and tribal law enforcement and Customs and Border Patrol (CBP), Immigration and Customs Enforcement (ICE) and other federal agency colleagues would substantially enhance our collective situational awareness. In this regard, I concur with the LEAP report’s observation that “in order to better secure the homeland, the Department [of Homeland Security] must partner more effectively with state, local, and tribal law



enforcement agencies in our nation's border communities – the ‘force multipliers’ at our own frontiers.”

David Carter, Professor and Director of Michigan State University's School of Criminal Justice, noted in the LEAP report:

The borders of the U.S. are replete with small state, local, and tribal law enforcement agencies. Officers in those agencies know the people in their communities and the character of life on the border and readily recognize when there are anomalies. Yet, they rarely report this information and even more rarely are asked. This is valuable data that may often times help fusion center analysts and the federal Intelligence Community complete the threat puzzle.

Fortunately, Washington State has benefited from a close relationship with our federal border partners. Specifically, Thomas Hardy, Director of Field Operations for the Seattle CBP Field Office, and his staff have been invaluable collaborators, particularly as we have worked together on preparing for the 2010 Winter Olympics.

Washington's local police agencies have also benefited from a high level of collaboration with our federal agency partners. In the LEAP report, Ferry County (WA) Sheriff Peter Warner emphasized:

We rely on Border Patrol agents in my jurisdiction for information about what's going on at the border, and I know them personally. We frankly need more Border Patrol agents – and more resources to hire additional police and sheriffs' officers - in order to meet the threat of terrorism at the border.

I concur with Sheriff Warner and encourage the members of this Committee and your fellow members of Congress to appropriate funding for additional human and technological resources at the federal *and at state and local levels -- with special and targeted support for state and local intelligence fusion center operations --* to help ensure the air, land and maritime routes of access to our country are secure.

### **Conclusion**

We are a nation at war. We are confronted by daunting and unprecedented domestic security risks. Our ability to detect, deter, dissuade and prevent future terrorist attacks is directly tied to our ability to analyze all-crimes intelligence in adequately funded and staffed state and local intelligence fusion centers and in collectively sharing that information between and among members of the local-tribal-state-federal intelligence community. A federal-centric intelligence system will not allow us to meet the threats now confronting our nation nor will it enable us to effectively respond to or recover from future terrorist attacks. Our homeland will be secure only when members of local, tribal, state and federal law enforcement communities and other emergency responders have the



information and resources they need on a daily basis to make sound decisions about transnational and domestic terrorist threats.

Thank you for the opportunity to appear before you today. I look forward to your questions.

## **Supplemental Sheet**

### **House Committee on Homeland Security Subcommittee on Intelligence, Information Sharing & Terrorism Risk Assessment**

**Statement of Major General Timothy J. Lowenberg  
Adjutant General – State of Washington  
Headquarters, Washington Military Department  
Camp Murray, WA 98430-5000  
Office: 253-512-8201  
Fax: 253-512-8497  
Cellular (24/7): 253-279-2040  
Timothy.Lowenberg@mil.wa.gov  
Timothy.Lowenberg@wa.ngb.army.mil**

#### **Topical Outline / Summary**

- **We are a nation at war!**
- **We are Safer Today – But not Safe.**  
While continuously improving federal interagency operations, we must also be mindful that terrorist attacks and criminal activities that support terrorist activities occur in local communities and local citizens are the primary victims. Unless and until the federal government also supports and funds a national strategy of state and local counter-terrorism capacity building, homeland security will continue to be an illusive goal.
- **Federal–Centric First Steps.**  
Without diminishing the importance of federal interagency improvements, they must be part of a larger enterprise strategy of state-local-tribal capacity building, especially in the areas of intelligence fusion and information sharing.
- **Creating a “National” Intelligence System that Makes our Nation Safer.**  
A national – as opposed to a federal – intelligence center information operations (IO) strategy would facilitate the horizontal and vertical sharing of “real time” classified and law enforcement sensitive information.
- **The Need for Predictable and Sustainable Federal Funding**  
State and local intelligence fusion center operations in all states are hampered by the lack of predictable and sustainable federal funding.
- **Synchronizing State and Federal Information Sharing and Intelligence Analysis**  
Additional human and technological resources are needed at the federal, state and local levels – with special, targeted support for state and local intelligence fusion center operations – to ensure our nation is secure.