Testimony
of
The Commission on the 9/11 Review of the FBI
Before
The House Appropriations Subcommittee on Commerce, Justice, Science and Related Agencies
H-309 US Capitol
26 March 2014

Good Morning, Chairman Wolf, Ranking Member Fattah, and members of the subcommittee. It is a pleasure for the three appointed commissioners—former Congressman and Ambassador Timothy Roemer, former Attorney General Edwin Meese, and Georgetown professor and internationally recognized terrorism expert Bruce Hoffman—to appear before you as a panel this morning.

As you know, the subcommittee was instrumental in establishing the Commission on the 9/11 Review of the FBI, with four stated mission objectives recorded in the appropriations bill:.

(1) ***An assessment of progress made, and challenges in implementing the recommendations of the 9/11 Commission that are related to the FBI;***

(2) An analysis of the FBI's response to trends of domestic terror attacks since September 11, 2001.

(3) An assessment of any evidence now known to the FBI that was not considered by the 9/11 Commission related to any factors that contributed in any manner to the terrorist attacks of September 11, 2001; and

(4) Any additional recommendations with regard to FBI intelligence sharing and counterterrorism policy.

First Steps

This Congressional guidance constitutes a broad mandate to provide a balanced assessment of the FBI's progress in implementing the 9/11 commission recommendations. Unlike the 9/11 Commission mandate, it is not a charge to investigate catastrophic terrorist attacks or major intelligence failures. Our commission's work will involve an intensive examination of the Bureau's structure, organization, programs, and policies related to counterterrorism, intelligence, and cyber security since 9/11. We will render findings that commend what is working and that point out where improvement is indicated. We will make every effort to recommend practical steps to improve performance. To date, the commission has:

- Begun building a competent staff, few in number but rich in counter-terrorism and intelligence experience related to the FBI's mission. We have taken to heart the Congressional guidance to "draw upon the experience of 9/11 commissioners and staff."

- We are developing a baseline of findings and recommendations from multiple investigations, studies, assessments, and reports on the FBI's progress since 9/11 by the Bureau, the Congress, the Intelligence Community, government investigative agencies, academia, and think tanks. We intend to build on this body of knowledge, not replicate it.

- We will take "deep dives" on several terrorism case studies covering a period of years since 9/11 to identify best business practices and lesson, learned principles in the Bureau's efforts to counter the increasingly diverse and complex range of threats it must cover.

- We will assess the performance of the FBI's imaginative new programs since 9/11, including those related to homegrown violent extremism, online radicalization, and countering violent extremism. We will visit FBI training facilities, field offices and selective JTTFs of large, mid, and small sizes

- We will conduct an extensive study of the Bureau's programs for intelligence collection and analysis, for counterterrorism, and for cyber security. We will examine how priorities are established to resource, fund, and manage these programs as the threat environment grows and becomes even more complex. In keeping with the 9/11 Commission recommendations, we will assess the "unity of effort" across the FBI's evolving national security workforce in order to achieve the goal of truly becoming an intelligence-driven organization.

- We will take a close look at how closely and effectively the FBI is collaborating with other intelligence agencies and with strategic partners at the state and local levels and abroad. We will study the procedures in place to share information across agencies in a timely fashion. This will be a consistent theme as we proceed with our case studies.

Antecedents

The commission recognizes that, while the Bureau has made great strides since 9/11, its efforts to reform predate the 9/11 attacks. The domestic intelligence challenge is not new. It relates to the three distinct but intersecting revolutions faced by the Intelligence Community-- including the FBI--over the past twenty years, which have encouraged trends that continue today. These revolutions, which impact a threat environment including but far outreaching international terrorism, will continue to require new and different models for US intelligence--not legacy makeovers.

The first revolution was geopolitical. It swept away the Soviet Union, transformed the face of Europe, and forced the Intelligence Community to confront a new, dispersed global threat environment in which non-state actors, including conventional and cyber terrorists, narcotics traffickers, and organized criminals, operated against US interests across national borders, including our own. The geopolitical revolution continues today with revolt and revolution in the

Middle East, daily terrorist attacks in Pakistan and Afghanistan, a volatile Iraq, and a regional crisis in Syria.

The second revolution involves technology, primarily information technology, but also the rapidly advancing biological sciences, neuroscience, robotics, nanotechnology, and the material sciences--all bearing good news and "dual-use" bad news for America and mankind. IT-driven globalization today permits the continuous flow in real time of information, finance, people, and internet-purveying destructive know-how across borders all over the world. Evil doers from global terrorist networks, to local militias, to white-supremacy groups, to lone violent extremists all have ready access to technologies capable of inflicting major loss of human life. For example, Anwar al-Awlaqi has galvanized a message, utilized technology, and inspired terrorists around the globe.

The third revolution relates to homeland security. This is not just about the alarming proximity of the threat, but even more about the new national security stakeholders it brought to the fore, "first-responders" with a legitimate need and justifiable demand for intelligence support from the Federal Government. This is a vastly expanded community demanding national intelligence support and under pressure to produce threat-based intelligence from regional and local sources.

The IC, the policy community, and the Congress responded to this new, distributed threat environment in the mid 1980s, with the pace picking up dramatically in the ensuing decade. The FBI was involved at every turn. The Director of Central Intelligence (DCI) established the Counterterrorism Center (CTC) at the Central Intelligence Agency (CIA) in 1986, followed thereafter by the Counternarcotics Center and several iterations of a counter-proliferation center--all mandated to focus collection, integrate analysis, and promote information sharing. Both CIA and DIA reorganized their intelligence units to meet new threats and enable technology in the mid 1990s. The FBI took similar steps later in the decade, including stepping up its collaborative dialogue with the CIA. The White House in 1998 established the position of National Coordinator for Security, Infrastructure Protection, and Counterterrorism.

The FBI, along with other IC components, introduced commendable reform initiative in the 1990s, though they did not all take hold. Advancing technology drove the controversial creation of the National Imagery and Mapping Agency (NIMA) in 1996. NIMA (later named National Geospatial-Intelligence Agency--NGA) launched a major push to get ahead of the geospatial technology curve, while the National Security Agency (NSA) began a fundamental transformation to adapt to the global revolution in communications technology. In 1998, the Ballistic Missile Commission, headed by Donald Rumsfeld, included with its report a "sideletter" critiquing IC analytic performance that was an impressive blueprint for reform. The FBI significantly increased its overseas presence and, prodded by the Webster Commission, developed a five-year strategic plan in the late 1990s that included goals to develop a comprehensive intelligence collection and analytic capability. Late in the decade, it established separate counterterrorism and counterintelligence centers.

The FBI was acutely aware of an intelligence world turning upside down. It was closely involved in the establishment of the IC centers. DCI William Webster came from the FBI to CIA in 1987, where he issued a forward-looking directive that prohibited analysts who were

directly supporting operations from providing the authoritative assessment on the impact of such operations. FBI leaders persuasively argued for the development of analytic capability in the Bureau during a strategic planning process in the late 1990s about the same time the FBI launched its counterterrorism and counterintelligence divisions. The FBI also participated with IC analytic units in the work of the Community-side National Intelligence Producers Board, which did a baseline assessment of IC analytic capabilities and followed it up early in 2001 with a strategic investment plan for IC analysis.

The investment plan flagged to Congress the alarming decline in investment in analysis across the Community and the urgent need to build or strengthen interagency training, database interoperability, IC collaborative networks, a system for issue prioritization, links to outside experts, and an effective open-source strategy. The consensus, which included FBI, was strong that the IC needed to transform, and it was transforming--***but not fast enough to counter the growing threat from the flat, agile, global network of al Qaeda.***

The FBI's leadership was committed to transformation but its stated commitment to share information and push the "wall" on information sharing between intelligence and law enforcement was set back by the sensational Ames, Nicholson, and Hanson espionage cases. In the larger culture war, change agents simply lost out to hide-bound agents who successfully resisted basic reform to Bureau policies and practices. The need to transform against a new threat environment was well recognized, but the goal of establishing a strong corps of intelligence analysts and collectors was slow to evolve even in the early years after 9/11. To enhance collaboration, a small handful of Terrorism Task Forces (JTTFs) in the early 1990s grew to over 100 today.

In our meetings and briefings so far, we have been reminded that the domestic intelligence mission in today's information environment includes but is much bigger than the FBI, and well beyond the Bureaus's resources and competence to carry out. Domestic intelligence today is about protecting the US homeland from threats mostly of foreign origin. It involves the FBI's law-enforcement and counterterrorism work, but it also relates to the establishment of a national intelligence capability integrating Federal, state, and local government, and when appropriate, the private sector in a secure collaborative network to stop our enemies before they act and to confront all those adversaries capable of using global electronic and human networks to attack our people, our physical and cyber infrastructure, and our space systems. These adversaries include WMD proliferators, terrorists, organized criminals, narcotics traffickers, human traffickers, and countries big and small--working alone or in combination against US interests.

Domestic intelligence should be viewed as an integral part of US Intelligence Community reform—which is still a work in progress. If the FBI were put in the penalty box, it would have a lot of IC company. The connection between foreign and domestic intelligence must be seamless today because the threats we face know no borders. The challenge is government wide, has historic roots that long precede 9/11, and must be concerned with a range of deadly threats to our national security largely from abroad and including but not restricted to international terrorism. The domestic piece must be an essential part of the transformation of US intelligence driven by the Directory of National Intelligence (DNI), the Secretary of Defense, the Attorney General, and the Secretary of homeland Security. The FBI is an essential player in that coordinated effort

today to unify strategies, to clarify roles and responsibilities across competing agencies. The domestic intelligence mission requires a new collaborative model, not just new rules for old games among legacy agencies.

Response to the Changing Threat

Today, the threat to the US homeland is global in nature and our response must integrate foreign and domestic intelligence as never before. Al Qaeda's attacks in New York, Pennsylvania, and Washington on 9/11 revealed that Osama bin Laden had developed-- below the radar of US intelligence--a human and electronic network across some sixty countries, spanning from the pre-modern world of Afghanistan to the post-modern world of Europe and the United States. Al Qaeda's flat network defeated a vast US government hierarchy that was not networked, including both our foreign and domestic intelligence agencies. The terrorists knew more about our world, and how to train and operate in it, than we did about theirs--the classic recipe for an intelligence failure. By any reckoning, the US government was not prepared to protect its people, not only against international terrorism but against the potential exploitation by any of our adversaries of global, IT-driven networks. The 2004 *Report of the 9/11 Commission* provided an account of a catastrophic terrorist attack and of a major intelligence failure.

Much has changed since then, some for the good like IC and FBI capabilities, and some not for the good like al Qaeda's adaptability and staying power. Partly due to the influence of the 9/11 Commission, domestic intelligence today is generally viewed in a global context with indispensable links to the national intelligence agencies as well as to state, local, and tribal governments. It must be collaborative to the core, and thoroughly networked to bring together the most reliable information and intelligence, the best expertise, and the most advanced capabilities--in real time--to deal with today's dynamic, distributed, and dangerous threat environment.

The FBI must have state-of-the-art, multi-level-security communications to support a broad range of activities from assisting a big-city police officer to pursue sketchy intelligence leads in a gritty subway to helping expert analysts to track potential cyber attacks in a chrome-plated, plasma-screened national intelligence center. Domestic intelligence, in this context, should be seen as a critical element of the US intelligence transformation driven by the geopolitical and technological revolutions of the post-Cold War period.

The Evolving Threat from an Adaptive al Qaeda

While the FBI's threat assessment has become move diversified since 9/11, the major terrorist threat from al Qaeda has not gone away. Today, the Core Al Qaeda organization is often seen as on the verge of strategic decline. The evidence supporting these claims is significant. Osama bin Laden, the co-founder and leader of al Qaeda, is dead. The fourfold increase in targeted assassinations undertaken by the Obama Administration has thus far killed some three dozen key al Qaeda leaders, as well as nearly 250 of its fighters.

Although one cannot deny the vast inroads made against core al Qaeda in recent years, the long-established nucleus of the al Qaeda organization has proven to be as resilient as it is formidable.

For more than a decade, it has withstood arguably the greatest international onslaught directed against a terrorist organization in history. Further, it has consistently shown itself capable of adapting and adjusting to even the most consequential countermeasures directed against it, having, despite all odds, survived for more than a quarter century.

In this respect, the ongoing unrest and protracted civil war in Syria, have endowed the al Qaeda brand and, by extension, the core organization, with new relevance and status that, depending on the future course of events in both that country and the surrounding region, could potentially resuscitate core al Qaeda's waning fortunes. The fact that the al Qaeda core seems to enjoy an unmolested existence from authorities in Pakistan, coupled with the forthcoming withdrawal of U.S. forces and ISAF troops from Afghanistan, further suggests that core al Qaeda may well regain the breathing space and cross-border physical sanctuary needed to ensure its continued longevity.

Throughout its history, the oxygen that al Qaeda depends upon has ineluctably been its possession of, or access to, physical sanctuary and safe haven. In the turbulent wake of the "Arab Spring" and the political upheavals and instability that have followed, al Qaeda has the potential to transform toeholds established in the Levant and perhaps in the Sinai and in both North and West Africa into footholds—thus complementing its existing outposts in Pakistan, Afghanistan, Yemen, and Somalia.

While bin Laden's death inflicted a serious blow on al Qaeda, he left behind a resilient movement that, though gravely weakened, has nonetheless been expanding and consolidating its control in new and far-flung locales. The threat was recently described in testimony before the Senate Intelligence Committee as "dispersed, decentralized and dangerous".

Today, al Qaeda is arguably situated in more places than it was on September 11, 2001. It maintains a presence in some sixteen different theatres of operation—compared to half as many as recently as five years ago. Although some of these operational environments are less amenable than others—such as Southeast Asia—others have been the sites of revival and resuscitation—such as in Iraq and North Africa—or of expansion—such as in Syria, Nigeria, Mali, Mauritania, and Niger.

Radicalization

Al Qaeda has also been able to achieve the unthinkable: radicalizing persons who are citizens of or resident in the United States and Canada and inspiring and motivating them to engage in terrorist acts whether on their own, such as occurred at Fort Hood, Texas in 2009; or at the direction and behest of al Qaeda's senior leadership, such as the plot thwarted that same year to stage suicide bomb attacks on the New York City subway system or a 2013 plan to attack a Canadian train that was reportedly orchestrated by al Qaeda commanders based in Iran.

Bin Laden thus created a movement that, despite a decade of withering onslaught and attrition, continues to demonstrate its ability to:

• preserve a compelling brand;

• project a message that still finds an audience and adherents in disparate parts of the globe, however modest that audience may perhaps be;

• replenish its ranks (including those of its key leaders); and,

• pursue a strategy that continues to inform both the movement's and the core's operations and activities, and that today is effectively championed by Ayman al-Zawahiri.

In this respect, since 2002, al Qaeda has embraced a grand strategy for that was defined as much by al-Zawahiri as bin Laden. It is a plan that deliberately (and successfully) transformed it into a de-centralized, networked, transnational movement rather than the single monolithic entity that al Qaeda was on the eve of the September 11th 2001 attacks.

Accordingly, despite Core al Qaeda's alleged abject decrepitude today, the movement has nonetheless pursued a strategy designed to ensure its survival. Continuing to attack the U.S. is only one step in this strategic plan, which is also focused on:

• Attriting and enervating America so that a weakened U.S. would be forced out of Muslim lands and therefore have neither the will nor the capability to intervene;

• Taking over and controlling territory, creating the physical sanctuaries and safe havens that are al Qaeda's lifeblood; and

• Declaring "emirates" in these liberated lands that would be safe from U.S. and Western intervention because of our alleged collective enfeeblement.

One can therefore make a reasonable argument that Core al Qaeda has:

• a well-established sanctuary in Pakistan that it functions in without great hindrance and that it is poised to expand across the border into Afghanistan as the U.S. military and ISAF continue to withdraw from that country, until the complete drawdown set for 2014;

• a deeper bench than has often been posited (or at least has been shown to be deeper at various critical junctures in the past when the Core al Qaeda's demise had been proclaimed);

• a defined and articulated strategy for the future that it is pursuing;

• a highly capable leader in al-Zawahiri who, over the past two years—despite predictions to the contrary—has been able not only to keep the movement alive, but also to expand its brand and forge new alliances (particularly in West African countries); and,

• a well-honed, long-established dexterity that enables it to be as opportunistic as it has been instrumental—that is, having the capability to identify and exploit whatever new opportunities for expansion and consolidation present themselves.

It is often said that, much like bin Laden's killing, the "Arab Spring" has sounded al Qaeda's death knell. However, while the mostly non-violent, mass protests of the "Arab Spring" were successful in overturning hated despots and thus appeared to discredit al Qaeda's longstanding message that only violence and jihad could achieve the same ends, in the more than two years since these dramatic developments commenced, evidence has repeatedly come to light of al Qaeda's ability to take advantage of the instability and upheaval in some of these same countries to re-assert its relevance and attempt to reverse its decline.

Moreover, while the "Arab Spring" has transformed governance across North Africa and the Middle East, it has had little effect on the periphery of that geographic expanse. The continued antipathy in Pakistan toward the U.S., coupled with the increasing activity of militant groups there—most of whom are already closely affiliated with Core al Qaeda—has, for instance, largely undermined the progress achieved in recent years against terrorism in South Asia. Further, the effects of the "Arab Spring" in Yemen, for instance, have clearly benefitted AQAP at the expense of the chronically weak central government in that country. AQAP in fact has been able to expand its reach considerably, seizing and controlling more territory, gaining new adherents and supporters, and continuing to innovate tactically as it labors to extend its attack capabilities beyond the Arabian Peninsula.

Although al Shabaab has been weakened in Somalia as a result of its expulsion from the capital, Mogadishu, and the deaths of two key Core al Qaeda commanders who had both embedded in the group and had enhanced appreciably its terrorist capabilities, al Shabaab nonetheless still maintains a stranglehold over the southern part of the country, where a terrible drought and famine threaten the lives of hundreds of thousands of people. Al Shabaab has also expanded its ambit of operations beyond Somalia to Kenya where, over the past two years, a variety of civilian as well as governmental targets—including churches and foreign tourists and last September a major Nairobi shopping mall frequented by Westerners—have been attacked in operations frequently employing suicide bombers.

Meanwhile, the instability and disorders generated by the "Arab Spring" have created new opportunities for al Qaeda and its allies in the region to regroup and reorganize. Indeed, the number of failed or failing states or ungoverned spaces now variously found in the Sahel, in the Sinai, in parts of Syria and elsewhere has in fact increased in the aftermath of the changes witnessed across North Africa and the Middle East since 2011. In no place is this clearer or more consequential than in Syria. It is there, that al Qaeda's future—its power and perhaps even its longevity—turns.

The continuing challenge that the U.S. faces is that al Qaeda's core ideology remains attractive to a hard core of radicals and capable of drawing new adherents into ranks. Even in death, Anwar al-Awlaqi has proven to be an effective recruiting sergeant.

Indeed, the latest recruits to this struggle are the Tsarnaev brothers—products of centuries-long conflict between Russia and Chechnya. The violence inflicted on Muslims in general and Muslim women and children around the world have been cited by many other homegrown terrorists as a salient motivating factor in their politicization and radicalization. This may also

explain why the American invasions of Iraq and Afghanistan were cited by Dzhogar Tsarev as the reasons behind his and his older brother's bombing of the Boston Marathon.

Domestic Radicalization

The variety of terrorists who have surfaced over the years evidences that there is no one path to radicalization. The reasons why someone picks up a gun or blows themselves up are ineluctably personal, born variously of grievance and frustration; religious piety or the desire for systemic socio-economic change; irredentist conviction or commitment to revolution. And yet, though there is no universal terrorist personality, nor has a single, broadly applicable profile ever been produced, there are things we do know. Terrorists are generally motivated by a profound sense of—albeit, misguided—altruism; deep feelings of self-defense; and, if they are religiously observant or devout, an abiding, even unswerving, commitment to their faith and the conviction that their violence is not only theologically justified, but divinely commanded.

Theological arguments in this context are invoked both by the organizations responsible for the attacks and by the communities from which the terrorists are recruited. In the case of Muslims, although the Quran forbids both suicide and the infliction of wanton violence, pronouncements have been made by radical Muslim clerics, and in some instances have been promulgated as fatwas (Islamic religious edicts), affirming the legitimacy of violence in defense of defenseless peoples and to resist the invasion of Muslim lands. Radical Islamist terrorist movements have thus created a recruitment and support mechanism of compelling theological incentives that sustain their violent campaigns and seeks vengeance—despite America's withdrawal from Iraq and impending departure from Afghanistan.

Individuals will always be attracted to violence in different ways. Just look at the people who have gravitated towards terrorism in the U.S. in recent years. We have seen terrorists of South Asian and North as well as East African descent as well as those hailing both from the Middle East and Caribbean. We have seen life-long devout Muslims as well as recent converts—including a Pakistani-born U.S. citizen actively conducting reconnaissance for al Qaeda and other terrorist groups on targets in India and Demark and a Philadelphia suburban housewife who touted her petite stature and blonde hair and blue eyes as being so atypical of the stereotypical terrorist so as to defy any efforts at profiling. Radicalized over the Internet, she sought to use her self-described ability to avoid detection to assassinate a Swedish artist who drew an offensive cartoon of the Prophet Muhammad.

These radicalized persons come from every walk of life, from marginalized people working in menial jobs, some with long criminal records or histories of juvenile delinquency, to persons from solidly middle and upper-middle class backgrounds with university and perhaps even graduate degrees and prior passions for cars, sports, rock music and other completely secular and material interests.

Relationships formed at work, at school, on sports teams, and other recreational and religious activities as well as over the Internet can prey upon the already susceptible. In some instances, first generation sons and daughters of immigrants embrace an interpretation of their religion and

heritage that is more political, more extreme and more austere—and thereby demands greater personal sacrifices—than that practiced by their parents.

Indeed, the common element in the radicalization process reflects these individuals' deep commitment to their faith—often recently re-discovered; their admiration of terrorist movements or leading terrorist figures who they see as having struck a cathartic blow for their creed's enemies wherever they are and whomever they might be; hatred of their adopted homes, especially if in the U.S. and the West; and, a profoundly shared sense of alienation from their host countries.

At the start of the war on terrorism a dozen years ago the enemy was clear and plainly in sight. It was a large terrorist organization, situated mostly in one geographic location, and it was led by an identifiable leader. Today, when the borders between domestic and international terrorism have blurred, when our adversaries are not only identifiable organizations but enigmatic individuals, a complete re-thinking of our counterterrorism policies and architecture is needed. We built an effective defense against the previous threat. Our challenge today is to develop new defenses against this new more amorphous, diffuse and individualized threat while at the same time to continue to destroy and upend al Qaeda, its affiliates and associates, and most especially the ideology that fuels and sustains them.

The FBI of course plays a vital role in protecting America and Americans from terrorism. But given the dynamic nature of the terrorism and cyber threats that the U.S. faces, we must be completely confident that the FBI has the means, the technology, the structure, the personnel, and the leadership to remain at the cutting edge of this evolving struggle. The members and staff of this Commission are honored and humbled to be able to contribute to and help strengthen the America's efforts in these areas critical to our nation's security. Thank you again for this opportunity to appear before this sub-committee and to answer any questions that you may have.