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NATIONAL COMMISSION ON TERRORIST ATTACKS UPON THE UNITED STATES

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Second public hearing of the National Commission on Terrorist Attacks Upon the United States

Statement of Richard C. Shelby to the National Commission on Terrorist Attacks Upon the United States May 22, 2003

Governor Kean, Representative Hamilton, and distinguished commissioners. It is a pleasure to come before you this morning to discuss what our nation did to prepare itself prior to the September 11th terrorist attacks - and how our nation can be better prepared for such threats in the future.

I thank you for giving me the opportunity to say a few words specifically about the role of Congress prior to September 11th.

With your permission, I will give an abbreviated version of my statement and ask that my full statement be made a part of the record.

Current News

The Commission has released its final report. [\[more\]](#)

The Chair and Vice Chair have released a statement regarding the Commission's closing. [\[more\]](#)

The Commission closed August 21, 2004. [\[more\]](#)

Commission Members

Thomas H. Kean
Chair

Lee H. Hamilton
Vice Chair

During our Joint Inquiry last year, defenders of the Intelligence Community's performance during the Clinton Administration and prior to September 11th insinuated that it was really the fault of Congress that the Intelligence Community failed to detect and deter the attacks on the World Trade Center and the Pentagon.

One senior FBI agent, for instance, publicly complained about how little money his counterterrorism division had been given by Congress, amounts far less than those they had requested and felt were necessary. Unfortunately, a surprising number of my colleagues in Congress seemed to give credence to the suggestion that September 11th was in some way our fault.

I have, at times, been a harsh, and I believe, a constructive critic of the Intelligence Community. I have never asserted, however, that the attacks of September 11th were anyone's fault other than the murderous group of thugs that hijacked and crashed those planes into symbols of American military and economic power. We should all keep that in mind as we search for the truth.

The truth is that same FBI agent admitted to us privately later the same day - after the cameras had been turned off - that for several years Congress had met or exceeded Administration budget requests for counterterrorism.

The FBI agent who said in public that we had deprived him of Special Agents to fight terrorism, conceded in private that Congress had actually helped his division tremendously. In fact, we had added counterterrorism agents beyond the Administration's request in 1996, 1997, 1998, 1999, 2001, and 2002.

Similarly, though CIA counterterrorism officials publicly complained about tight budgets in our

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public hearings, their agency's own figures showed that Congress had met or exceeded budget requests for the Counterterrorism Center or CTC in 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001 and 2002.

In fact, in 2001 the CIA, prior to September 11th, was reporting that it would not spend all of its counterterrorism funds. Although Congress fully funded the Administration's request for the CTC that year, the CIA was not going to spend tens of millions of dollars in Director Tenet's declared war on Al Qaeda. That picture changed dramatically after September 11th.

I don't mean to say that this nation's counterterrorism efforts and the U.S. Intelligence Community as a whole necessarily got all the money they needed before September 11, 2001. In many areas it did not.

There are, however, many bureaucratic steps between the development of a Counterterrorism budget within the FBI, or a CTC budget within the CIA, and a final Administration budget request from the Office of Management and Budget. What goes in does not often look anything like what comes out. I suspect that the intelligence agencies probably did request far more funding than they ended up getting. Agencies always do.

My point is that it is not accurate to lay the Community's budget problems at the feet of Congress, particularly because we have emphasized counterterrorism and counterintelligence as fundamental policy priorities.

During my tenure as chairman of the Senate Select Committee on Intelligence, I explicitly made counterterrorism and counterintelligence two of my five highest priorities. I and my colleagues worked long and hard to ensure that these programs got ever expanding levels of

support during the late 1990s - support which was critical in order to help pull the Community out of its post Cold War funding slump.

While I was a member of the Senate Intelligence Committee, we took aggressive steps to address what were becoming very clear indications of fundamental weaknesses in our ability to attack the terrorist target.

Many of the conclusions that were reached by the Joint Inquiry were conclusions that had already been reached by the intelligence oversight committees prior to September 11th.

I encourage you to examine closely the unclassified and classified authorization bills of both the House and Senate committees in the years leading up to September 11th.

For example, terrorism and our ability to combat it was listed as one of the Senate Intelligence Committee's highest priorities in every one of our bills since at least 1996.

In 1998 the Committee revealed that the FBI was failing to address significant technological challenges that were degrading its ability to track the terrorist target. We highlighted serious FBI-wide deficiencies in information technology modernization and the absence of a plan to address it.

We provided significant additional funding to augment the Bureau's ability to analyze terrorism intelligence and train its agents. We warned of a critical shortage of language skills, including Arabic and Farsi, and directed the FBI to review its language recruiting efforts.

The Committee also worked consistently to remove restrictions that unnecessarily hindered our ability to collect terrorism information. Often these efforts were met with resistance from the Director of Central Intelligence himself.

Prior to September 11th, we amended the Foreign Intelligence Surveillance Act on three separate occasions to grant new authorities to the Attorney General and the FBI to collect terrorism-related intelligence.

Working with our colleagues on the Judiciary Committee we detailed serious problems in information sharing between intelligence agencies and law enforcement organizations including our inability to track foreign students after they entered the United States.

In 1997, the Committee registered its concern that no comprehensive Intelligence Community estimate existed on present and emerging terrorist threats or other nontraditional attacks on the United States using weapons of mass destruction. We directed the Director of Central Intelligence to produce such an estimate.

Finally, the Committee has worked since 1990 to effect structural and organizational changes within the Community.

For example, the final report of the Joint Inquiry recommends the creation of a single authority that would be accountable for the success or failure of the Intelligence Community, and that would have the statutory and budgetary authority to lead the Community.

In 1996, the Senate Intelligence Committee voted out the "Intelligence Activities Renewal and Reform Act of 1996" which gave the DCI these important statutory and budgetary authorities. Unfortunately, it became a bridge too far and was never passed into law.

In that same year we created three Senate-confirmable positions within the Community Management Staff to address community-wide problems with coordination on collection, analysis, and production issues. The intent was

to give the DCI additional, high visibility managers to help him manage the Intelligence Community writ large.

After the Community's failure to predict the Indian nuclear test, the need for these positions and the coordination they would foster was apparent. To this day, the Director of Central Intelligence refuses to comply with the law and submit names for consideration by the United States Senate.

These are just a few examples of Congressional actions and I encourage the Commission to review the entire record. I believe that you will find it to be quite extensive.

I mentioned our efforts to increase funding for counterterrorism. As I said, this was a consistent theme, at least while I was Chairman. I wish to emphasize, however, that the performance of the Intelligence Community is only partly a story of resources.

Money helps purchase technical systems and recruit larger numbers of case officers, but you can't buy energy, enthusiasm, pride, professionalism, and aggressiveness.

You can't just purchase a commitment to share information with other agencies and pull together as a team in order to protect Americans from threats to their lives and well-being. You can't authorize and appropriate proper priorities, sensible management, and a vision of how to adapt complicated organizations to rapidly-changing threats.

You can't simply fund an appreciation of information technology and the absolute necessity to integrate it into what is essentially an information enterprise.

All these things have to be grown and nourished over time by wise and steady leadership.

Congress can encourage these things - and we have certainly tried - but the legislature merely conducts oversight.

We do not and should not direct the operational activities of our intelligence agencies.

We do not decide why or when someone gets promoted or punished.

We can legislate, but there is little we can do to compel compliance. As you examine the record, you will discover numerous examples of complete disregard for Congressional direction not to mention the law.

While we do have the power of the purse, it often presents a Hobson's choice. Does one cut funds to compel compliance when the cut will probably degrade the very capability one is seeking to foster? More often than not, the answer is no.

Each branch of government serves a very distinct and necessary function. While Congress oversees the intelligence activities of the United States, ultimately, the Intelligence Community is led and run by the Director of Central Intelligence, who deserves most of the credit or blame for the decisions he makes and the results he produces.

The National Commission on Terrorist Attacks has a great responsibility, and a daunting job to do. It is your responsibility to survey the whole range of government activity relevant to how well prepared our nation was - or was not - for the modern terrorist threat.

I have spoken today principally about intelligence matters, for they have been an abiding interest and great concern of mine since I first became chairman of the Senate Select Committee on Intelligence in 1997.

The U.S. Government's management of homeland security, however, implicates a broad array of federal activity. Consequently, you may need to come to grips with bigger issues of Congressional organization and committee jurisdiction.

The House and the Senate have adopted very different organizational approaches to the challenges of homeland security. My successor as the top Republican on the Senate Intelligence Committee, Chairman Pat Roberts, has spoken repeatedly about the management and policy-coordination problems we face in the Senate because of our many overlapping committee jurisdictions related to homeland security issues. These are matters to which the Commission may end up having to speak as well.

In the months ahead, I hope that you will be able to build constructively upon what we accomplished last year during our Joint Inquiry.

Some of us have already issued detailed public analyses of the intelligence failures prior to September 11, 2001, and I imagine that you probably now also have access to the classified Final Report of our two committees and to the substantial investigative record we compiled.

I believe our work can provide you with important insights into the problems that we identified, and into ways to ensure that Americans are better protected in the future.

Thank you for inviting me here today. I wish you all the best of luck on the difficult road ahead.

National Commission on Terrorist Attacks Upon the United States
The Commission closed on August 21, 2004. This site is archived.