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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 Porter Goss to the National Commission on Terrorist Attacks Upon the United States May 22, 2003

Good morning, Chairman Kean, Vice Chairman Hamilton, and Members of the Commission. I am pleased to accept your invitation to share my views on congressional oversight of the Intelligence Community, particularly in the context of the terrorist attacks of September 11, 2001. It is a topic that I know from recent, firsthand experience in my role as Chairman of the House Intelligence Committee. Along with Bob Graham, Nancy Pelosi, and Richard Shelby, I had the privilege of co-leading the historic, bicameral, and bipartisan Congressional Joint Inquiry on the performance of the Intelligence Community with regard to those attacks.

Before describing the scope of that effort, let me

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briefly discuss the function of the House Intelligence Committee. Given the secrecy that legitimately surrounds most intelligence matters, it may be helpful to explain just what it is that our Committee does. Our principal mission is to provide needed capabilities for the Intelligence Community. To do that effectively, we spend a great deal of time trying to understand what our vulnerabilities are, both at home and abroad. As part of that effort, the Committee had focused on the threat of terrorism well before the attacks. A working group had, for example, been established in January 2001 to develop recommendations on how to improve America's counterterrorism and homeland security capabilities. After September 11th, that group was formalized as the Subcommittee on Terrorism and Homeland Security, under the leadership of Saxby Chambliss and Jane Harman.

In the aftermath of the attacks on New York and the Pentagon, the Speaker of the House asked that we use the Committee's unique expertise and oversight authority to review what happened and then determine what went wrong, at least in terms of intelligence. Together with the leaders of the Senate Committee we agreed to do so, believing that such an effort could help move the Intelligence Community, and the nation, forward at this critical point in our history. We agreed to put partisanship aside and conduct a unified and professional inquiry, supported by a single staff.

In that Joint Inquiry, as in other oversight efforts, the Committees were faced with the inherent tension that exists in their dual role as both advocates and overseers. On the one hand, their function is advocacy for improving and strengthening the Intelligence Community's ability to protect this country's national security interests. At the same time, the Committees are expected to provide oversight of the Intelligence Community in the sense of looking over, but not overlooking, intelligence activities. I often think

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of our Committee as a kind of 1-800 number not only for those who want to report alleged intelligence abuses but also for those who are seeking an advocate for greater resources and capabilities within the Intelligence Community.

Maintaining a delicate but credible balance between those two very different missions can be difficult, particularly in an area such as intelligence, where legitimate national security considerations limit the extent to which the full scope of Congressional oversight is open to public view. Those difficulties were further compounded in our effort to address the events of September 11th. The magnitude of the terrorist attacks, followed by the proliferation of piecemeal, often inaccurate information and innuendo, understandably undermined public confidence in our intelligence capabilities. From the outset of the Joint Inquiry, we recognized the importance of following the facts wherever they might go and then sharing those facts, consistent with legitimate national security concerns, with the American public. Our goal was to provide the public, and the Intelligence Community, with objective, credible, and fact-based answers to three critically important questions:

- What did the Intelligence Community know, or what should it have known, prior to September 11, regarding the international terrorist threat to the United States, including the scope and nature of any possible terrorist attacks against the United States and its interests?;
- What, if any, systemic problems impeded the Intelligence Community's ability to discover and prevent the September 11th attacks in advance?; and
- What reforms need to be implemented to address those problems, improve and strengthen the Intelligence Community and, hopefully, prevent similar attacks in the future?

Just over eight months ago, in this same room, we presided over the first of the Inquiry's nine public hearings on the story of September 11th. In those hearings, the public heard, for the first time, the nature of much of the counterterrorism intelligence that our government did possess in the months prior to September 11th. Of perhaps even greater importance, the hearings explored to what extent the Intelligence Community, and our government, was able to use that intelligence to counter the terrorist threat. The testimony clearly underscored that there were a number of areas where substantial reform was needed to dramatically improve our counterterrorist efforts.

What the public did not see in those open hearings, but what is important as you consider Congressional oversight and as you plan your own inquiry, is the substantial time and effort that were expended as a necessary predicate for those hearings. A huge amount of investigative work, coupled with a very labor-intensive declassification process, was required before we could credibly and coherently explain to the American people what the Intelligence Community knew or should have known about the attacks of September 11th. In preparation for those hearings, our staff reviewed almost 500,000 pages of documents, interviewed 300 individuals, and participated in briefings and discussions involving about another 300 individuals. While the nine open hearings were naturally most visible to the public eye, national security considerations required us to hold another thirteen closed sessions focused on some critical, but highly classified, issues. In short, our experience in the Joint Inquiry demonstrates that thorough and effective oversight, particularly in the intelligence area, usually requires the sustained dedication of substantial Committee resources.

Based on the Joint Inquiry's hearings, as well as the extensive and resource-intensive

investigation that preceded them, last December the House and Senate Committees approved, by separate vote, the classified Final Report of the Joint Inquiry. The Report sets forth, in great detail, the results of the Inquiry. As you know, we have made that report available for review by this Commission and I understand that some of you have begun that process. I urge all of you to read that report in its entirety as you set out to do the work of this Commission. It will prove invaluable to you in your efforts to understand the scope of our Inquiry and to identify those areas where work remains to be done by this Commission.

The Report can also add considerably to the public's understanding of the attacks and of the need for reform in the Intelligence Community. With that in mind, we have been engaged in discussions with the Intelligence Community since last December in an effort to declassify and publicly release as much as possible of the Report. The classification review, which is always a long process, is continuing. I remain optimistic that we will, in the end, be able to provide the American people with an unclassified report that fairly, accurately, and credibly explains the performance of their Intelligence Community with respect to the events of September 11th.

Today I am happy to discuss, in this public forum, the unclassified summary of the Report's findings and recommendations, which was released last December. That summary paints a pretty clear picture of the most significant lessons to be learned, at least in the area of intelligence, from the events of September 11th. The Committees made a number of factual findings, including:

- Although the Intelligence Community had, prior to September 11th, amassed a great deal of valuable intelligence regarding Usama Bin Ladin and his terrorist activities, none of it identified

the time, place and specific nature of the attacks;

- During the spring and summer of 2001, there was a significant increase in intelligence reporting indicating that Bin Ladin intended to strike against U.S. interests in the very near future;
- Beginning in 1998 and continuing into summer 2001, the Intelligence Community received a modest, but relatively steady, stream of reporting that indicated the possibility of terrorist attacks within the United States. Nonetheless, the Community's general view, in the spring and summer of 2001, was that the threatened Bin Ladin attacks would occur overseas;
- From at least 1994, the Intelligence Community had received information indicating that terrorists were contemplating, among other means of attack, the use of aircraft as weapons. This did not, however, stimulate any specific Intelligence Community assessment of, or collective U.S. government reaction to, this form of threat;
- Although the Intelligence Community had, prior to September 11th, relevant information that is significant in retrospect regarding the attacks, the Community too often failed to focus on that information and to appreciate its collective significance in terms of a probable terrorist attack. Some pieces of information in the vast stream of data being collected were overlooked, some were not recognized as potentially significant at the time and therefore not disseminated, and some required additional action on the part of foreign governments before a direct connection to the hijackers could have been established; and
- As a result, the Community missed opportunities to disrupt the September 11th plot by denying entry or detaining

would-be hijackers; to unravel the plot through surveillance and other investigative work within the United States; and to generate a heightened state of alert and thus harden the homeland against attack.

While it was important to understand what had happened prior to September 11th, the Joint Inquiry was always intended to do more than simply identify the mistakes of the past. From the beginning, we wanted this effort to also provide a road map for improvement in future intelligence and counterterrorist efforts. In my view, effective oversight should ultimately serve not as a "gotcha" game, but rather as a catalyst for constructive and needed change. The Joint Inquiry's Final Report lays the groundwork for such reform, by identifying a number of weaknesses that hindered the Intelligence Community's counterterrorism efforts prior to September 11th. For example, the Committees found that:

- The Intelligence Community was neither well organized nor equipped, and did not adequately adapt, to meet the challenge posed by global terrorists focused on targets within the United States. Serious gaps existed between the coverage provided by U.S. foreign and U.S. domestic intelligence capabilities. The U. S. foreign intelligence agencies paid inadequate attention to the potential for a domestic attack. The CIA's failure to aggressively watchlist suspected terrorists reflected a lack of emphasis on a process designed to protect the homeland from the terrorist threat. At home, the FBI was unable to identify and monitor effectively the extent of activity by al-Qa'ida and other international terrorist groups operating within the United States;
- The Intelligence Community's understanding of al-Qa'ida was hampered

by insufficient analytic focus and quality, particularly in terms of strategic analysis. As a result, there was a dearth of creative, aggressive analysis targeting Bin Ladin and a persistent inability to comprehend the collective significance of individual pieces of intelligence. These analytic deficiencies seriously reduced the ability of U.S. policymakers to understand the full nature of the threat and to make fully informed decisions;

- The Intelligence Community depended heavily on foreign intelligence and law enforcement services for the collection of counterterrorism intelligence and the conduct of other counterterrorism activities. The results were mixed in terms of productive intelligence, reflecting vast differences in the ability and willingness of the various foreign services to target al-Qa'ida. This reliance on foreign liaison services also resulted in a lack of focus on the development of unilateral human sources;
- Within the Intelligence Community, the agencies did not adequately share relevant counterterrorism information. This breakdown in communications resulted from a number of factors, including differences in missions, legal authorities, and agency cultures; and
- Serious problems in information sharing also persisted between Intelligence Community and relevant non-Intelligence Community agencies, including other federal agencies as well as state and local authorities.

To correct those problems, the Report includes nineteen specific recommendations for reform. They address numerous areas where improvement is critically important to future success in counterterrorism efforts, including organization, domestic intelligence capabilities, the establishment and enforcement of priorities, analysis, personnel, information sharing, and

classification. I have attached those recommendations in their entirety, along with all of the Report's unclassified findings, to this statement.

In closing, let me say a few words about where I believe this Commission should focus its efforts, particularly in light of the work that has already been done by the Joint Inquiry. As a first step, I strongly recommend, as noted above, that every Member of this Commission read the Final Report of the Joint Inquiry. It will be an enormous help to you, particularly in the area of intelligence. Secondly, the Commission should clearly focus on those areas that the Report specifically refers for further review. Two come immediately to mind: improvement in Congressional oversight and in communication and collaboration between the Intelligence Community and non-intelligence agencies, including those at the federal, state and local level. Third, I recommend that you focus your intelligence-related efforts on updating and filling in gaps in areas where additional information may now be available. As the war on terrorism continues, we will inevitably learn more about the events of September 11th.

Finally, it is important that you examine closely those domestic agencies that, while significant players in homeland security, were clearly beyond the scope of the Joint Inquiry's intelligence-focused review. Since 1947, our intelligence program has operated as a foreign intelligence program. It is important to remember that it was never designed to be a domestic intelligence program, reflecting the longstanding and widely held belief that Americans should not be spying on other Americans. One striking lesson from September 11th is that we are now operating in a world environment that has changed dramatically since 1947. The threat - and the enemy - is now clearly among us. We need to seriously address the need for a domestic intelligence capability. This Commission can make a huge contribution

to that effort by examining the counterterrorist efforts and capabilities of the domestic agencies handling such areas as law enforcement, customs, immigration, aviation, and emergency response. In our post-September 11th world, those players are no longer on the sidelines. They have, in many respects, become the front line in defending the homeland from terrorism and other transnational threats. We must be able to rely on their best efforts, along with those of our traditional intelligence agencies, in securing this nation from future attack.

Thank you.

National Commission on Terrorist Attacks Upon the United States
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