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The Terrorist Threat Integration Center

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The National Security Strategy Process
Seminar B

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Issue

Is the Terrorist Threat Integration Center (TTIC) the “solution” to the need for an all source intelligence fusion capability?

Background

A series of terrorist attacks since the 1980s has inflicted a growing toll of casualties in the United States and other countries. Future losses in both lives and infrastructure could be unacceptable if weapons of mass destruction (WMD) are used. The severity of this threat has fueled calls for improving the integration and analysis of intelligence.¹

History is replete with American intelligence failures due to ineffective exploitation of available information. The attack on Pearl Harbor is a prime example. Although various United States (U.S.) government agencies acquired a wealth of data from many sources about Japanese diplomatic activities and military operations, there was a striking failure among them to share or disseminate that information. Moreover, relevant information about Japanese activities competed for analysts’ attention with much other information concerning a variety of national security issues of equal or greater importance to the decision makers of that era.² Another successful surprise attack against U.S. military forces attributable to the inadequate performance of U.S. intelligence apparatus was the 1944 German Ardennes offensive. Along with other examples of similar intelligence failures, these catastrophes provided the catalyst for the
reorganization of U.S. intelligence capabilities that is embodied in the National Security Act of 1947.³

To avoid repetitions of the World War II intelligence failures, the National Security Act established the Director of Central Intelligence (DCI) and the nation’s foreign intelligence service, the Central Intelligence Agency (CIA). The DCI serves as Director of the CIA and also heads the intelligence community (IC). Other participants in foreign intelligence collection include the Department of State through its Bureau of Intelligence and Research (INR), the Department of Defense (DoD) and the Department of Energy.

Pursuant to Executive Order 12,333 the CIA may collect, produce and disseminate foreign intelligence and counterintelligence in the U.S. but must coordinate such activities with the FBI. It is, however, prohibited from conducting internal security functions or collecting information concerning the domestic activities of U.S. persons.⁴ Since the National Security Act did not authorize the CIA to perform internal security functions, it may be inferred that the Congress therefore intended that the already functioning FBI would continue to be the agency responsible for domestic security.⁵

Since the establishment of the CIA, efforts have been made to coordinate operations with the FBI.⁶ Nevertheless, impediments to sharing information between the law enforcement and intelligence worlds have existed when such information was derived from foreign intelligence collection. One reason is the concern within the law enforcement community that such sharing might jeopardize criminal prosecutions. This is so because less stringent standards apply to the collection of intelligence information
than those associated with criminal investigations. A judge can therefore exclude evidence acquired via intelligence processes from use in a trial.\(^7\)

In the mid 1970s, Congress opened an investigation of intelligence activities that became known as the Church Committee. This body was charged with determining “the extent, if any, to which illegal, improper, or unethical activities were engaged in by the intelligence agencies.”\(^8\) It issued a final report in 1976 that found the CIA had routinely violated existing law and had engaged in domestic surveillance in the U.S. The CIA had done so operating on the theory it was protecting intelligence sources and methods from unauthorized disclosure as provided for in the National Security Act of 1947.\(^9\) However, the legislative history of that statute reveals that Congress and the Executive never intended the CIA to operate in the U.S. nor exercise “police power or anything else within the confines of this country.”\(^10\)

Among other legacies of the investigations of the mid 1970s is the Foreign Intelligence Surveillance Act (FISA). This statute requires judicial review of foreign intelligence surveillance in the United States. Its restrictive interpretation by the Foreign Intelligence Surveillance Court (FISC) and Department of Justice erected a virtually impenetrable bar to the sharing of information derived from intelligence collection activities between the intelligence and law enforcement communities.

FISC judges held the view that applications for surveillance under FISA had to have foreign intelligence collection as their primary purpose. This theory, known as the primary purpose doctrine, was apparently derived from an espionage prosecution that had been based on evidence that was the fruit of warrantless foreign intelligence surveillance.\(^11\) Subsequently, the Department of Justice was reluctant to send
applications for domestic surveillance forward to the FISC unless there was no crossover between intelligence and law enforcement. This was due to concern that the FISC would deny surveillance authority assuming that the underlying purpose of the surveillance was really support of a criminal prosecution.  

One purpose of the USA PATRIOT Act was to eliminate the “primary purpose” barrier to meaningful coordination between criminal investigators and intelligence personnel. The Attorney General submitted draft guidelines for implementation of the USA PATRIOT Act provisions to the FISC for its approval in March 2002. The FISC rejected those draft guidelines asserting that they were excessive. In its opinion, the FISC explicitly endorsed the barrier between law enforcement and intelligence, basing its position on the “minimization rules” contained in the FISA that prohibit dissemination of non-public information concerning U.S. persons except for law enforcement purposes when such information is evidence of a crime.  

In November 2002 the Foreign Intelligence Surveillance Court of Review convened for the first time since the FISA was enacted in 1978 in order to hear the government’s appeal of the FISC’s May 17, 2002, decision that disapproved the Attorney General’s proposed guidelines for FISA implementation. The appellate court reversed the FISC. Its opinion said that there was no barrier to coordination between the law enforcement and intelligence communities concerning FISA electronic surveillance or physical searches, and that such surveillance or searches can be conducted even though the primary intent is to support criminal prosecution so long as a “significant” intelligence purpose remains.
To close the seams between foreign and domestic intelligence in the counterterror campaign, President Bush announced in the 2003 State of the Union address his plan to establish the TTIC. This independent member of the intelligence community is a joint venture between the CIA, FBI, and Departments of State, Justice, Defense and Homeland Security. In keeping with this plan, TTIC began operations on May 1, 2003, located at the CIA Headquarters in Langley, Virginia. It is projected to move to a permanent facility during May 2004, where it will be co-located with the CIA’s Counterterrorism Center and the FBI’s Counterterrorism Division. Each of the latter organizations, however, will continue to report to their parent agencies.

The Director of TTIC, Mr. John O. Brennan, is an employee of the CIA. He was appointed by the DCI in consultation with the Director of the FBI, the Attorney General and the Secretaries of Defense and Homeland Security. Mr. Brennan reports to the DCI in that official’s statutory capacity as head of the intelligence community. However, he has said that he is equally responsive to the Director of the FBI and Secretaries of State, Defense and Homeland Security. The next senior official in the TTIC, the principal deputy director, is an FBI employee. Personnel from the CIA, FBI, DoD and DHS will be detailed to staff the Center.

Implementation of TTIC is planned in three phases. During Phase 1, it operates a round the clock watch center staffed by about 60 government employees with contractor support. TTIC’s budget during this first year of operations is about $50 Million. In Phase 2, TTIC will become the primary gateway for analysis of terrorist threats and maintain a master watchlist of known and suspected terrorists with a workforce of about
120 government employees. Finally, in Phase 3, TTIC will become the hub of all terrorist threat related analytic work with about 250 to 300 government employees.\textsuperscript{19}

TTIC receives terrorist related information from 15 different federal agencies that ranges from raw data through analyses. Additionally, the FBI and DHS will provide information generated by state and local agencies and voluntary contributions from the private sector be forwarded by DHS. TTIC itself, however, will not collect any information. It is confined to integrating and analyzing data collected by others and then disseminating the analyses as appropriate. Additionally, TTIC will develop collection requirements for other agencies to fulfill.\textsuperscript{20}

TTIC will also maintain shared terrorist threat databases among government agencies. It is already providing its analysts with multi-level security desktop access into the databases of its participating partners, permitting access to the full range of raw intelligence data collected by the partners. And, TTIC has established a multi-level security website to disseminate information to other federal agencies. This includes material that is tailored for state and local governments and the private sector. DHS and the FBI have the responsibility to distribute this information. Further, TTIC generates the color-coded terrorist threat assessment and develops the Daily Threat Matrix for the President and other senior government officials.\textsuperscript{21}

\textbf{Issues Associated With TTIC}

James Gilmore, former governor of Virginia, has asserted the FBI is an ineffective counterterrorism agent because its employees are trained as criminal investigators who
have a backward looking approach to issues.\textsuperscript{22} Lieutenant General Brent Scowcroft, USAF, (Ret.), who was National Security Advisor for President George H. W. Bush, has offered the same opinion. In his view the CIA and FBI tend to approach similar questions from opposite directions.\textsuperscript{23}

Siobhan Gorman analyzed law enforcement and intelligence community methodologies and institutions. She arrived at conclusions supporting the views of both Gilmore and Scowcroft. Writing in the *National Journal*, Ms. Gorman argued that the cultures of the CIA and FBI inherently inhibit information sharing. According to her, this is because the CIA is consensus driven by the uncertainties inherent to the types of information it seeks to collect. The FBI on the other hand pursues a case methodology that is fact driven in order to produce evidence that will support successful criminal prosecutions. The differences in the nature of information collected by the CIA and FBI as well as the methodologies for collection lead these two organizations to attract and recruit employee populations possessing fundamentally different characteristics that result in different investigative and analytical styles.\textsuperscript{24}

Gorman’s article also reported interagency tensions over the formation TTIC. First, there was a dispute about the President’s Daily Brief, an intelligence product historically prepared by the CIA that covers current issues. Initial plans for TTIC envisioned that its director would give this brief. However, the CIA’s Director of Intelligence objected. So, TTIC will make a daily President’s Terrorism Threat Report. Second, the FBI was reluctant to nominate a principal deputy director for TTIC. It ultimately appointed a person who, according to Gorman, possesses a reputation for “representing the official word”.\textsuperscript{25}
Another issue associated with the establishment of TTIC is access to information. There are inferences that this is a recognized issue based on statements contained in fact sheets issued by various Bush administration agencies. These fact sheets say that TTIC will receive all terrorist related intelligence generated by all agencies of the U.S. government for analysis. However, as Senator Shelby has contended, the intelligence community is traditionally reluctant to share information in the manner that these fact sheets envision. He cited as proof the CIA’s failure to forward terrorist names to the Department of State and FBI before September 11, 2001, and unwillingness to honor DHS requests for information.\(^{26}\) Similarly, the National Security Agency (NSA) does not release signals intelligence to others.\(^{27}\) Moreover, the FBI’s intelligence branch has not shared information obtained from the CIA with its own criminal investigators under the principal purpose doctrine that will be discussed below.\(^{28}\) These examples support the view expressed by the Director of the Defense Intelligence Agency, Vice Admiral Jacoby, that existing fusion centers including his agency’s Joint Task Force (JTF) for Counterterrorism do not have adequate access to information.\(^{29}\)

There are sound reasons why intelligence collectors are reluctant to share information with other agencies, even their own analysts. Collectors rightfully fear that sources and methods will be compromised through leaks to the media or espionage. This extraordinary sensitivity about compromise arises from concern for the safety of agents as well as loss of technical means of information collection that are difficult and sometimes impossible to replace. A notorious example of just such a compromise was a disclosure that led Osama bin Laden to discontinue his use of cell phones thus denying U.S. intelligence a lucrative source of information.\(^{30}\)
In addition to the perils of leaks there is the threat of espionage. Names such as Aimes, Hanssen and Walker come to mind. A valuable though cumbersome means to limit the damage spies can inflict is “compartmentation” of classified information. This is a system that narrowly restricts access to sensitive information based on a need to know even among those who possess security clearances. Although “compartmentation” is an effective technique, one can easily see how it might naturally impede the necessary flow of information within and between agencies.

Federal government data is not the only information sharing issue associated with TTIC. Michael A. Wermuth testified before the National Commission on Terrorist Attacks that TTIC should develop a process for obtaining and disseminating information to the private sector and state and local governments. He also suggested TTIC should adopt the best practices gleaned from the private sector to optimize its handling of information. He appears to have overlooked the fact that TTIC is precluded from directly sending information to the states, localities and private sector. DHS and the FBI are the conduits that TTIC must use to distribute its analyses to state and local agencies as well as the private sector.

Another prominent person who raised concerns about information sharing and TTIC is Senator Dianne Feinstein (D-CA). During a Senate subcommittee hearing on September 23, 2003, she questioned establishment of information analysis centers outside DHS. Her concern was based on what she said was the CIA’s history of not sharing information. She also asserted that information does not flow from the federal level to state and local agencies.
Senator Feinstein’s concerns about establishment of information centers outside DHS point to analogous issues raised by a number of other parties. Representative Christopher Cox (R-CA.), Chairman, House Select Committee on Homeland Security, has charged TTIC does not satisfy statutory requirements and is therefore an interim step. He noted that DHS by statute is required to have an internal intelligence fusion capability. Mr. Cox said that he plans to introduce legislation that will make substantive revisions to the Homeland Security Act, inferring it would affect TTIC.\(^\text{34}\)

Taking another slant on organizational issues associated with TTIC was Mr. Brian H. Hook, an attorney with the law firm of Hogan and Hartson. Testifying before the House Permanent Select Committee on Intelligence on April 9, 2003, he questioned whether TTIC was redundant since DHS has a statutory responsibility to analyze intelligence. Second, he said that locating TTIC in the CIA risks the latter capturing it thus failing to close the gap between domestic and foreign intelligence. Third, he asked whether TTIC as a CIA component would a pose risk of entangling the latter in law enforcement?\(^\text{35}\) The Congressional Research Service (CRS) has made the same point. It argues that placing TTIC under the DCI violates provisions of the National Security Act that exclude the CIA from “law enforcement or internal security functions.”\(^\text{36}\)

Echoing Mr. Hook concerning the duplication issue, Mr. James Dempsey, Executive Director, Center for Democracy and Technology, asserted TTIC is a mistake because it repeats functions delegated to DHS. He also said DHS is subject to congressional oversight whereas TTIC is not. Mr. Dempsey believes this will raise concerns in the civil liberty community.\(^\text{37}\) Through interviews of legislative officials, the writer has independently confirmed concern about the lack of congressional oversight.\(^\text{38}\)
Other prominent individuals, who have opined that TTIC is the wrong approach to intelligence fusion include Dr. John Hamre, former Deputy Secretary of Defense, Mr. James Steinberg, Director of the Foreign Studies Program at the Brookings Institution, Senator Joseph Lieberman (D-CONN), and Representative Jim Turner (D-TX).

Dr. Hamre and former intelligence and FBI officials wrote in *The Economist* that a separate FBI division should perform counterterrorism functions and the Bureau’s national security responsibilities. They envision patterning the proposed office on NSA. Its director would be a political appointee from outside the law enforcement community who would report to the DCI.\(^{39}\)

Mr. James Steinberg, in testimony before a joint session of the Senate Governmental Affairs Committees last February, said TTIC is a regression from the Homeland Security Act because it will not foster synergy between intelligence collectors, analysts, and consumers. In Mr. Steinberg’s opinion, TTIC should be part of DHS to achieve acceptable synergy. He also maintains that congressional pressure will be needed before the FBI will share information with state and local law enforcement.\(^{40}\)

At a July 22, 2003, joint hearing of the House Select Committee on Homeland Security and the House Committee on the Judiciary, Representative Jim Turner, ranking member, on Homeland Security, charged creation of TTIC “muddied DHS’s intelligence operation and reduced overall accountability.”\(^{41}\) He also commented that since the TTIC reports to no single agency or cabinet secretary it could threaten privacy. Testifying before the same hearing, Mr. Jerry Berman, president of the Center for Democracy and Technology, shared Mr. Turner’s concern. Mr. Berman reflected that DHS was established with privacy and civil liberties offices but these are absent from TTIC.
Moreover, DHS follows the FBI guidelines in its operations concerning data mining, audits and investigations and generation of watchlists. All of these measures contribute materially to privacy protection.\textsuperscript{42}

According to some commentators, TTIC has no support among the institutional bureaucracies. This is because the President established TTIC by Executive Order and not through the normal authorization and budget process. Consequently, agency officials feel no sense of commitment to TTIC and will distance themselves from the new organization given an opportunity.\textsuperscript{43} Further, both a TTIC official and a congressional staff member have said announcement of TTIC came as a surprise to them. In their opinion plans for it were developed over a relatively short period by White House staff with limited outside participation. This was done in order to expedite TTIC’s implementation.\textsuperscript{44}

**Analysis of Issues**

Many knowledgeable persons both in and out of government have identified significant issues with the President’s establishment of TTIC as the preferred alternative for analyzing and disseminating terrorist threat information and generating terrorist watchlists. The major issues will be analyzed below.

To quickly and effectively address intelligence shortcomings, President Bush elected to form TTIC using minimal interagency coordination and consultation. Consequently, few officials from the natural stakeholders were involved in the planning phase for the Center. This course of action was apparently selected in order to reduce the length of time that it would take to have the Center in operation due to the interagency
process. In the writer’s personal experience, this is a valid concern when interests of major agencies are involved as they are in this case. Although some resistance resulted from the administration’s tactics, President Bush achieved his objective and TTIC is in operation today.

Notwithstanding the bureaucratic resistance previously discussed, the personal involvement of President Bush in starting TTIC has provided sufficient force to ensure that the Center developed a substantial degree of momentum. The President’s continuing involvement may be inferred because he receives a daily threat briefing from TTIC. This assures the Chief Executive a degree of insight concerning the Center’s operations that should be sufficient to sustain TTIC given the President’s demonstrated decisiveness about national security matters since September 11, 2001. Should President Bush not be reelected, however, the initiative on terrorist threat intelligence fusion may pass to TTIC’s critics in Congress.

Another tactical choice made by the Administration in planning TTIC was configuring it as a joint venture between the intelligence community and law enforcement agencies rather than imbedding it in DHS. This has generated criticism from some in Congress as well as those outside government.

Clearly, some in Congress believe that the joint venture violated legislative intent. However, it appears the Administration settled on this architecture as another means to expedite TTIC implementation. Unquestionably, the planners chose the correct course to achieve their immediate objective since in the writer’s personal experience establishing organizations has consumed more than one legislative cycle.
It is unlikely the legislative branch will allow TTIC to escape formal oversight for
long. Ultimately, Congress will authorize it by statute to ensure there is accountability
for expenditure of public funds as well as effectiveness in mission execution. This is
inevitable because congressional oversight of the executive branch is so deeply rooted in
our “system.” However, when congressional deliberations on authorization begin,
significant debate can be expected concerning which committee or committees in each
house will have oversight responsibility. In any case, the fact of oversight and the
process through which it will be achieved should resolve the concerns of those who
believe TTIC’s leadership is not sufficiently accountable.

However long it is until congressional oversight is formalized, TTIC will have
been in operation providing a venue for the intelligence and law enforcement
communities to operate together and bridge the differences between them. At the same
time, every day that TTIC is in operation contributes to evolution of the cultures of each
of its participating organizations. The importance of such interaction cannot be
overstated. It is the essential ingredient for improving information sharing and
intelligence integration.46 The planners also viewed the joint venture that TTIC embodies
as the organizational path to build confidence between the different communities.47 And,
over the long term, synergism between domestic and foreign intelligence should make the
whole that is embodied by analyzed intelligence greater than the sum of the collected
data.

Another significant advantage of TTIC’s joint venture model compared with a
Center that is embedded in any agency is the opportunity that it may present to conduct a
form of competitive analysis. This is a core principle of U.S. intelligence practice whose
purpose is to avoid group think and parochial analyses. It is achieved by having analytical tasks performed by personnel of differing backgrounds with differing viewpoints from different agencies. This may be a beneficial byproduct of TTIC’s organizational structure because it is staffed through the rotational assignment of personnel from its constituent partners.\textsuperscript{48}

In addition to fielding a TTIC that is inhospitable to group think, the administration’s choice of the joint venture construct provides a means to screen sources and methods from excessive disclosure that run the risk of compromise. The operative agent for such screening is the Center’s staffing philosophy that as mentioned above relies on detailees from the constituent partner agencies. This fact will enable intelligence community members of the joint venture to restrict access to information that could reveal sources and methods to a relatively small circle number of trusted agents within the Center. If such a construct proves to be a successful means for protecting such sensitive information, intelligence community confidence in the Center will be fostered. Without such a mechanism, though, it is unlikely that the intelligence community would have willingly participated in TTIC or in any similar all source fusion center.\textsuperscript{49}

Concern also exists about information flow between TTIC and the homeland security community, especially state and local governments and the private sector. DHS, however, is a participating partner in TTIC and will have personnel from its headquarters and appropriate subordinate components assigned to the Center.\textsuperscript{50} The assignment of such personnel should afford an effective means for assuring that the Center fulfills its mission to pass information to the appropriate parties in DHS. This is because such personnel will have an understanding of unit needs based on their operational experience.
For its part, DHS will have to nurture effective two-way communications, especially threat information obtained from the field. This includes its federal agency components as well as state and local agencies and the private sector.

TTIC’s role and configuration will also permit DHS to minimize expenditure of its scarce resources for analyzing intelligence, especially classified domestic and foreign information. This will enable DHS to focus attention on open source information and unclassified material gleaned from its constituent agencies as well as state and local organizations and the private sector. Such information, especially material collected during administrative inspections throughout the homeland security community may well provide the earliest indications and warning of terrorist activity. Due to the immense quantity of such material, its effective exploitation will require both DHS and TTIC to make a major investment in information technology.  

Among some critics of TTIC, fear of its potentially adverse effect on civil liberties is a persistent theme. Alleged linkage of the Center to the CIA is a primary issue. Some commentators and federal legislators believe that moving TTIC to DHS would resolve the issue since this would sever any connection to the CIA and thus deny that agency an avenue to engage in the internal security functions that are denied to it by the provisions of the National Security Act.

The fear of civil liberty proponents that the CIA will intrude into internal security via TTIC is misplaced. TTIC is an independent agency consisting of a variety of independent partners. Although its director reports to the DCI, he does so in an independent capacity. Further, the link between TTIC and the DCI is not to the DCI in his capacity as Director of the Central Intelligence Agency but rather in his role as head
of the intelligence community. Moreover, although the current TTIC director is a CIA employee, the implementing directive for the Center says only that the director must be a senior government official. And, while the DCI selects the Center’s director, he must do so in coordination with the heads of the partner agencies. Additionally, each of the Center’s deputy directors must come from a different partner agency. Taken together these provisions of the Center’s implementing directive can only be interpreted to mean that no agency was intended to become an overly influential party in the organization.

Another inhibition on CIA dominance of TTIC is that, as previously discussed, Mr. Brennan has said that he believes that he must be equally responsive to the heads of each of the agencies that are participants in the joint venture. This is an implicit admission that none of the agency heads are willing to let any one of the partners become an overwhelmingly dominant influence in the Center’s operations. This serves as an additional and substantial informal barrier to CIA participation in internal security since neither the Department of Justice nor the FBI will suffer encroachment of their prerogatives that are protected by the National Security Act.

TTIC performs no intelligence collection or investigation functions. Consequently, it has no direct avenue to engage in internal security even if the Center did have a formal connection to the CIA. In sum, the joint venture construct of TTIC and its operational limitation to intelligence fusion provides an effective buffer between the CIA and the internal security functions associated with the law enforcement agencies.

Other reasons exist to support a belief that TTIC poses no threat to civil liberties. Not least are statements made by the administration that existing privacy statutes apply to participants in TTIC as well as Executive Orders and “other relevant authorities for
protecting privacy and our constitutional liberties.”

Additionally, Homeland Security Presidential Directive-6 says that the “Attorney General in coordination with the Secretaries of State and Homeland Security and the Director of Central Intelligence shall implement appropriate procedures and safeguards with respect to all such information (terrorist screening) about United States persons.”

Additionally, TTIC’s staffing plan arguably provides a basis to assert that the inspector generals of the partner agencies in the joint venture are legally bound to exert oversight concerning employees detailed to TTIC for their performance of duty and compliance with the laws. This is due to the proposition that the detailees would arguably remain under their parent agencies for disciplinary purposes.

It is also argued that because TTIC was established by Executive Order it suffers from a lack of congressional oversight and for that reason poses a risk to civil liberties. This fear is unfounded because Congress as discussed above has demonstrated a keen interest in both the structure of TTIC as an organization and in the role that it is intended to fulfill. Such interest is unlikely to subside given the visibility of the ongoing counterterrorism campaign. Furthermore, according to congressional staff that the writer interviewed, it is inevitable that the Congress will bring TTIC under direct oversight. One official even argues that TTIC is already under the direct oversight of the respective intelligence committees. The existing record of various committee hearings elsewhere referred to suggests that this is indeed the case in practical terms. Consequently, the issue of congressional oversight really is only one of timing.

Yet another avenue for congressional oversight exists. The CIA possesses an inspector general as well as a general counsel. Similar officials exist in Department of
Justice and in the FBI. Each of these individuals is subject to congressional scrutiny and can be called upon to testify concerning the performance of their duties. Those duties could be interpreted by the Congress to include oversight of TTIC since their respective organizations are participants in the joint venture as partners. Motivated inspector generals from a collection of partner agencies overseeing one target should be sufficient to ensure that TTIC’s activities, especially those impinging upon civil liberties, remain within constitutional bounds.

The fact that TTIC’s director reports to the DCI has been called a violation of the National Security Act of 1947. This rests on the premise that the CIA is precluded from performing internal security functions under the Act. However, TTIC is an independent agency and not a component part of the CIA. Furthermore, the reporting relationship is to the DCI in his capacity as head of the intelligence community as noted above. Additionally, it does not appear that the CIA has control over the Center’s budget. Consequently, it is reasonable to conclude that TTIC is sufficiently separated from the CIA so that the National Security Act is not violated.

Finally, there is a question of duplication of effort. The Homeland Security Act requires an in-house intelligence analysis capability resident in DHS. Secretary Ridge has assured the Congress that he will comply with the statute. DHS, according to him, will conduct independent intelligence analysis in its information analysis and infrastructure protection directorate. Some degree of duplication with the efforts of TTIC can therefore be assumed. However, such redundancy is a matter of intentional practice in the U.S. intelligence community in order to ensure competitive analysis of information. This practice is founded in the reality that different users of intelligence
have different needs. Additionally, diversity of views and backgrounds among analysts provides a degree of assurance that serious analytical errors will be avoided.\textsuperscript{58}

DHS can be expected to concentrate its analytical efforts on information derived from the intelligence units of its component organizations, information received from state and local governments, and voluntary contributions from the private sector. And, as has been previously noted, much of the information it will collect will be open source or obtained from administrative inspections conducted pursuant to law. Thus, DHS intelligence functions will tend toward specialization and the Department will not exercise an all source analysis capability.

Information from DHS sources, including analyses, will be submitted to TTIC for integration in TTIC’s capacity as the all source analysis center. In so doing, DHS will assist TTIC to assemble a more complete picture of the terrorist threat based on consolidation of the fruits of the full range of domestic and foreign intelligence collection. Indeed, DHS will provide TTIC with indispensable threat information that would not otherwise be available. Reciprocal benefits would flow to DHS from TTIC because the latter in performing all source intelligence fusion would remove a burden from DHS, allowing it to optimize its limited resources to collect the classes of information uniquely available to it. The roles of DHS and TTIC will, therefore, be mutually supportive rather than unnecessarily duplicative.
Conclusion

The Administration has pursued an optimum path in establishing and configuring TTIC. Formal congressional oversight will arise in due course, exposing TTIC to the “marketplace of ideas” as well as rigorous review of its efficiency and effectiveness. Furthermore, concerns about TTIC’s potential to erode civil liberties or duplicate the role of DHS are misplaced. For now, it is sufficient that the administration moved with a sense of urgency to avoid delay and quickly generate momentum in sharing, integrating, analyzing and disseminating the intelligence needed to reduce U.S. vulnerability to surprise at the hands of terrorists.
Notes

6 Ibid. 713.
7 Ibid. 715.
8 Ibid. 459.
9 Ibid. 440, 449.
10 Ibid. 448.
12 Dycus, 689-690.
13 Richard C. Shelby, September 11 and the Imperative of Reform in the U.S. Intelligence Community (Additional views Senator Richard C. Shelby, Vice Chairman, Senate Select Committee on Intelligence), 10 December 2002, 53.
14 Dycus, 685-686.
15 Shelby, 55.
18 Hearing of the House of Representatives Committee on the Judiciary and House of Representatives Select Committee on Homeland Security, 4 August 2003, (Statement of John O. Brennan).
19 Department of State Fact Sheet, “Strengthening Intelligence to Better Protect America”; John C. K. Daly, “Analysis: Terrorist Threat Centers,” Insight on the News,

20 Daly.
21 Ibid.; Brennan.
23 Hearing of the Joint House and Senate Select Intelligence Committees, 19 September 2002, (Testimony of Brent Scowcroft), <www.cooperactive.org> (8 January 2004).
26 Shelby, 5, 25.
27 Shelby, 20.
28 Shelby, 32.
29 Shelby, 39.
32 Michael A. Wermuth, Statement to the National Commission on Terrorist Attacks Upon the United States, 1 April 2003.
35 Hearing of the House Permanent Select Committee on Intelligence, 9 April 2003, (Statement of Brian H. Hook).
38 House of Representatives Government Reform Oversight Committee staff member interviewed by R.M. Butterworth, 7 January 2004.
39 Gorman.
40 Hearing of the Senate Government Affairs Committee, 14 February 2003, (Testimony of James B. Steinberg).
45 John Gannon.
46 Ibid.
47 Senior House of Representatives Government Reform Oversight Committee staff member.
48 Lowenthal, 13-14.
49 Gannon.
50 Brennan.
51 Lowenthal, 79-81.
52 Department of State Fact Sheet, “Strengthening Intelligence to Better Protect America”.
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