

AFTERNOON SESSION [1:03 p.m.]

Mr. *Boehlert.* I understand the Attorney General, Mr. Meese, is en route and will be here shortly.

Today's second panel consists of people who are no strangers to Capitol Hill and, indeed, no strangers to the American people. For our second and final panel today, we welcome former Speaker of the House Newt Gingrich, former Attorney General Edwin Meese, and former Deputy Attorney General Larry Thompson.

Dr. Gingrich was a Member of the U.S. Congress for 20 years and served as Speaker of the House from 1995 to 1999. Dr. Gingrich is currently a senior fellow with the American Enterprise Institute and CEO of the Gingrich Group.

Mr. Meese, former Attorney General of the United States from February 1985 to August 1988, was among President Ronald Reagan's most important advisers, and as such, he played a key role within the administration in the development and execution of domestic and foreign policy. He is currently a distinguished fellow in public policy with the Heritage Foundation.

Mr. Thompson was Deputy Attorney General from May 2001 to August of 2003. While serving as Deputy Attorney General, Mr. Thompson was selected to lead both the President's Corporate Fraud Task Force, an interagency group that coordinates the efforts of Federal agencies to combat

significant financial crimes, and the National Security Coordination Council, which worked to ensure coordination of all functions of the Department of Justice relating to national security, particularly with respect to fighting terrorism. He is currently a senior fellow for the Brookings Institute.

Gentlemen, the committee welcomes you, and we look forward to hearing your testimony. Mr. Speaker, you are up first.

STATEMENTS OF THE HON. NEWT GINGRICH, SENIOR FELLOW, AMERICAN ENTERPRISE INSTITUTE, FORMER SPEAKER OF THE HOUSE; THE HON. EDWIN MEESE III, RONALD REAGAN DISTINGUISHED FELLOW IN PUBLIC POLICY, THE HERITAGE FOUNDATION, FORMER ATTORNEY GENERAL; AND THE HON. LARRY D. THOMPSON, SENIOR FELLOW, BROOKINGS INSTITUTION, FORMER DEPUTY ATTORNEY GENERAL

STATEMENT OF NEWT GINGRICH

Mr. *Gingrich.* Well, thank you very, very much, Chairman Boehlert, and I want to thank all of you.

Let me start by thanking this committee for the work you have done over the last several years and for the effort to develop very thoughtful and very serious reforms and to really look at what has to be done. And I must say I also want to particularly note that the Ranking Member, Mrs. Harman, has done tremendous work in this area, has introduced a bill that is very important, as part of this. And I would say that it is a tribute to the committee that you have worked well enough that the President has stolen your chairman to nominate to be the Director of Central Intelligence. And I think that Chairman Goss would be a remarkably appropriate person at the present time given his combination of professional experience as an intelligence agent, business experience, and then over a decade of being

on this committee looking at the intelligence community from the outside.

I also want to just take a moment to say I think the 9/11 Commission did a remarkable job, and I think that this report is as good a model. As somebody who has spent a lot of years reading intelligence material, I find myself going through this page by page very carefully, and I would say that any citizen who wanted to better understand the challenges of intelligence would be well served to read this report.

Now, I want to ask the committee, though--and I appreciate very much the chance to come and share ideas with you and talk with you. I want to ask you to step back from 9/11 because it is very important to understand that this is a watershed opportunity to rethink and transform our intelligence capabilities, and that that should not begin by looking at 9/11. It should begin by looking at 2010 and 2020 and 2030.

As you know, I worked with President Clinton to create the Hart-Rudman Commission, which reported in March of 2001 that we needed a homeland security agency and that our number one security threat was a weapon of mass destruction going off in an American city, probably by a terrorist. And that was all designed to look out to 2025, and there was a reason for that. Large structural reforms take a while to pass.

They take even longer to implement. And they should be designed for the long-run needs of the Nation not to play catch-up with the last crisis.

Now, I think you first have to design an idealized system which will allow you to start migrating the current inadequate system, in some cases dysfunctional system, and in every case, far too slow, shallow, and uncoordinated system, into a future desired system. And let me emphasize this. I think the current intelligence structure has to be replaced and not repaired.

If you were to put up on a map all the different places--when I talk about intelligence, I am talking about gathering much more than analyzing. But if you were to put up on a map where are all the pieces, who pays for them, who makes personnel decisions, who allocates priorities, it is a mess. And you are not going to be able to fix it in its current form. So you need to think about how you are going to replace it with a system.

Let me also emphasize this, and I can't say this too strongly--and I want to go back and say I am saying this as somebody who, this report points out, got the only major increase in intelligence in the 1990s. And I am saying this as somebody who has been warning consistently about bin Laden since 1996. So let me shift gears on all of you.

Major threats to the United States are not terrorism. The major threats to the United States are a nation state using either nuclear weapons, a weapon of mass destruction; biological weapons, a weapon of mass murder; or an electromagnetic pulse, an EMP weapon, which would be so destructive it would be a weapon of mass disruption.

I want to start with this premise. When you are designing the intelligence system of the future, you have to be more concerned with how we understand China than al Qaeda. And I believe al Qaeda is desperately dangerous, and I think we have to penetrate al Qaeda. But I am just telling you: China, Russia, North Korea, Iran, Syria. Nation states still matter. They are still big, and they are still complicated.

Also, we have to drive home for the American people: any of these weapons could literally destroy the American way of life as we have known it. Three or four nuclear weapons going off in cities wouldn't wipe us out as a country, but they would shatter our civil liberties. An engineered biological that killed 20 or 30 million would shatter our fabric of confidence. An EMP could literally return us to a pre-electric age in seconds.

And all of these are undervalued. It is like going aboard the Titanic knowing it is going to sink and not putting on the lifeboats. We as a country need to take all

of this much more seriously. I will come back to that in just a second.

Let me say the report says--and I want to quote this, one of the recommendations, because this is the heart of how big your challenge is. On page 367, they recommend, "The U.S. Government must identify and prioritize actual or potential terrorist sanctuaries. For each, it should have a realistic strategy to keep possible terrorists insecure and on the run, using all elements of national power. We should reach out, listen to, and work with other countries that can help."

Now, we got the Central Intelligence Agency last year to produce this map, which all of you have in your packets. This map shows you ungoverned areas, and you can look at your copy. But I just want to hold this up for a second as an illustration.

When you look at the total number of ungoverned areas on the planet and then you read back again their phrase--which is also, by the way, paralleled by phrases in the National Security Strategy of 2002, put out by Dr. Rice--"...identify and prioritize actual or potential terrorist sanctuaries. For each, it should have a realistic strategy..." A brief look at that map will sober you and will indicate how pathetically inadequate all of our current assets are for the scale of the challenge that recommendation describes.

In the 21st century, the right intelligence system has to be real-time--that is, it has to have information age processes to match information age systems. It has to be seamlessly networked between domestic and international intelligence and flexibly layered for all users, including our NATO allies and coalition partners as needed. The system must transparently cross regions and all types of problems; the right user has to be able to access the right information and the right analysis in virtually real time. The right analogues are Google and The Weather Channel.

It cannot be a--I will give you what I think I should give you, but I will keep the rest of it secret. This is literally taking the current models and turning them on their head.

The information has to be analyzed contextually by people who spend years understanding the language, culture, history, and personalities against which we are gathering information, which requires many more analysts spending many more years and dramatically more foreign area specialists in the military.

The system had to be predictive in translating current knowledge into estimates of future behavior, but the predictions should come in a range of possibilities and not as a single community conclusion.

There has to be a powerful lessons learned system, and here I would urge both this committee and the intelligence community to have Admiral Giambastiani bring you the Joint Forces Command Lessons Learned structure, which has done brilliant work and which should be copied in the intelligence community as a routine, not only after a disaster but as a routine.

There should also be a culture of self-learning so the system is permanently improving by measuring its past performance against learned realities and then systematically improving procedures and systems.

There should be a single National Director of Intelligence. I am glad the President recommended that. I think where I would go further is I think it should be a Cabinet official who advises the President and the National Security Adviser, but also has to manage the intelligence system as a whole. This will lead to a fight with the Defense Department. I think the National Director of Intelligence, to be effective, has to have budget authority, and the top-line budget should be unclassified so this country knows what we are doing on intelligence. I also believe there has to be a separate head of the Central Intelligence Agency because no one has actually managed the Central Intelligence Agency in modern times because the DCI

is too busy doing everything and, therefore, nobody is paying attention to reforming and modernizing the CIA.

The President and the Congress should focus on metrics of achievement against which to measure the intelligence community, and that should start with an understanding of the deep-mid-near layers of security requirements with deep being 10 years out, mid being 5 years out, and near being next year.

The President's daily brief should be redesigned. This isn't your job, except to the degree it intellectually tells you that today the President's brief doesn't give us the kind of strategic information for the national command and for the Commander-in-Chief that he ought to be getting. There should also be a system for monthly and quarterly briefs in more depth.

The speed and effectiveness that a global information age will require cannot be achieved by the bureaucratic public administration we have inherited from the past. We literally can't buy things. We have an 1880, quill pen, clerk model of process based on the civil service reforms of the 1880s. And we need a block modernization in every phase of the American Government. We need to invent a system of entrepreneurial public management that moves with the speed, agility, and efficiency of information age processes--which, by the way, means the Congress and the congressional staffs

have to learn a whole new way of thinking, a whole new set of questions to ask, and a whole new model of metrics to apply.

My good friends are probably going to disagree with me in a minute. I think we should almost certainly split the FBI into a law enforcement agency and an anti-terrorism agency. I think that the caution and conviction focus is totally appropriate for a law enforcement agency. I think it is highly inappropriate and self-destructive for an anti-terrorism agency. On the other hand, the speed, risk-taking, and aggressiveness we want from a system engaged in stopping a terrorist armed with a biological or nuclear weapon would be frightening if exercised by normal law enforcement. And I don't think people can exist in both cultures simultaneously. I think it is very confusing. One or the other dominates, with consequent risk.

Just a couple last points. Covert operations have had an enormous impact on our history. Remember, 95 percent of all covert operations are non-violent. We saved France and Italy from communism by covert operations. We defeated the communist intellectuals in Western Europe with covert operations. We sustained the cause of freedom around the world from 1945 to 1960 with covert operations. These were not paramilitary, they were not violent. There were much better communications, much better networking, and much better popular support than anything we have done in the last

15 years. Our communications system today is pathetic. Our ability to reach out and combat radical intellectuals is pathetic. And I use that word deliberately--"pathos." As the most powerful Nation in the world, we should be ashamed of how badly we communicate and how little we have done to reach out to young people around the planet.

Finally, if as a former Speaker I can step on a few toes, the Congress ought to have a 9/11 Commission on the Congress. The longer I have been out, the more I have felt it is inappropriate that we always look at the executive branch. We don't look at any of the laws Congress passed. We don't look at any of the hearings Congress held. We don't look at any of the budgets and appropriations Congress did. We don't look at any of the diversion for pork that Congress engaged in. We don't look at any of the jurisdictional foolishness that requires senior executives to come up here an absurd number of times every year. And then we say, How come you guys down the street failed?

Now, just a few suggestions. One, get some outsiders to go through what are the past laws that crippled human intelligence? What are the past laws that block sharing between domestic and overseas intelligence?

Two, how does Congress protect a stable intelligence community budget? Stability is very important in the long-term development of these big systems, and historically the

combination of budget cuts between crises and defense crowding out intelligence has weakened our ability to sustain the intelligence community we need. My guess is we need an intelligence community almost three times the size of the current investment. That is a big number. And you will never get there unless you are able to take it head on. And you can't get there competing with the military.

How does Congress clarify jurisdictions in both intelligence and homeland security so the executive branch can cooperate without absurd drains on senior executives for multiple appearances? I think Tom Ridge has 87 subcommittees and committees that technically can ask him to come up. And I would recommend the Congress center in the Majority Leader and Minority Leader of the Senate, the Speaker and Minority Leader of the House, the ability to ask for national security briefings. And if committees can't get them to send the letter over, they don't get the people. But there has to be some traffic cop in the legislative branch that says, "Enough." Or you have these absurd dog-and-pony shows that actually weaken the public interest.

Congress needs a permanent select committee on homeland security.

Congress should establish a serious system of educating newly elected members over a three- or four-term period into knowledge about national security, homeland security, and

intelligence. Secretary Rumsfeld established 3 years ago a congressional war gaming center at the National Defense University. Over 100 members have participated in at least one war game already. But we need to accept the fact that under our Constitution every Member of the House and Senate is the coequal of the President in moral responsibility for raising armies, establishing navies, determining the rules of engagement, appropriating the money, and ultimately setting foreign policy. And we don't have a system today that educates members. It is one thing to arrive as a brand-new elected member and be ignorant. It is another thing to be here in your seventh term and be ignorant. And that is a systems problem, not a personality problem.

Congress, on a bicameral basis, I think, should establish an independent commission to review Congress and intelligence over the last 20 years and suggest systems improvements in the legislative-executive process. In particular, you should look at how do we require the Senate to vote up or down on nominees within a reasonable number of days in national security. And how do we ensure that we have a single system of vetting people so we neither make the security clearance process absurd nor do--and, by the way, I have had people who had a security clearance lapse for one day who had to go back through the entire process. Madness. It makes no sense at all. And finally, how can you make the

application to serve in Government simple enough that successful people don't say, "I just won't go through that"?

Finally, when this committee has done everything right, when the executive branch has done everything right, let me just warn you: We are going to be surprised. There is no record in history of any system being good enough that determined opponents don't sooner or later surprise you. So you had better have a big enough homeland security system and a big enough national defense system that, if we are hit with a nuclear, EMP, or biological event, we survive and are still a free country. And that has to be a defensive measure that transcends intelligence.

Thank you for letting me talk so long.

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[The statement of Mr. Gingrich follows:]

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Mr. *Boehlert.* Thank you very much, Mr. Speaker. As
always, most thought-provoking.

General, you are up next.

STATEMENT OF EDWIN MEESE

Mr. *Meese.* Thank you, Mr. Chairman. First, may I apologize to the committee for being late, and at the same time attest to the successive layers of security that exist between my office and this building. I thank the members of the committee for this invitation and appreciate this opportunity to share my thoughts with you. I have also presented some ideas on paper and ask that the statement that has been provided to the committee be made a part of the record.

Mr. *Boehlert.* Without objection.

Mr. *Meese.* Mr. Chairman, I would prefer to talk primarily about the management of the intelligence community. My colleague, former Speaker Gingrich, has ably set the stage and I think given us kind of a tour d'horizon about the general situation that has been posed by the 9/11 Commission. I think that the structure and management of the intelligence community is one of the key elements to making some of the suggestions that he has made come to pass. Particularly, I join in the recommendation, as the Commission did, of a National Intelligence Director who would have overall responsibility.

Let me say in terms of the Cabinet aspect of it, I do not think that that National Director should be a member of

the Cabinet because I think that there is too much opportunity then for some people to feel that the intelligence is being cooked to fit the policy objectives of the Cabinet. I do think, however, that that person should have Cabinet rank, and there is a distinction. But I think he should have the status.

And, quite frankly, if I may say from personal experience, having had a similar responsibility in regard to the effort against drugs during the 1980s, as Chairman of the National Drug Policy Board, the key to my effectiveness in coordinating and gaining response from the other members of the Cabinet was, quite frankly, the fact that I had a close relationship with the President. I had his full support in what I was doing. And he met frequently with the National Drug Policy Board. I would suggest that in the same way, if the National Intelligence Director clearly has the support and access on a regular basis to the President, that will give him the clout that he or she needs in order to carry out the responsibilities as the Commission suggested.

I would suggest there are some capabilities that were not necessarily mentioned in the Commission report but which I consider very important. One is a planning capability that does not now exist, and I think that one of the products of the National Director of Intelligence should be, on at least an annual basis, a national strategic plan for intelligence

which assigns roles and missions and allocates responsibilities among the 15 agencies that make up the intelligence community; and that that should be then the basis, the planning guidance, if you will, for the budget so that the budget, the finances respond to the needs rather than the budget having a separate existence of its own and that it be related to what the requirements are of the intelligence community.

Secondly, a function that is badly needed within the intelligence community and which this National Intelligence Director should have is an evaluation capability so that on a systematic basis there is a thorough assessment of what is going on in the community and that we not wait for some tragedy or some incident to bring us to the realization that there is something lacking somewhere in the community, but that a systematic evaluation be made, not strictly in the sense of an Inspector General, which the Inspector General connotes more a response to complaints, but, rather, an inspector in the best sense of continuing evaluation and assessment of our capabilities and whether they are adequate to respond to the needs, to the threats at any particular time.

A third capability which I feel is particularly important is expertise in information technology. One of our greatest needs, I think, throughout the intelligence

community now is information technology devices that can respond to each other. As former Deputy Attorney General Thompson knows, within the Justice Department we have many different computer and information systems, and it has been a major task to try to get them to communicate with each other, even in one department. As you go throughout the community, this need is even greater. And I think that the information technology component as a capability of the National Intelligence Director is one of the key things that needs to be addressed.

I would suggest in looking at the management of the intelligence community, we beware of what I call homogenization of intelligence, the idea that at some relatively low level, or even at a high level, the intelligence is put together in some sort of a consensus report. The President and the other policymakers, the National Security Council, deserve to have varying views, if there are indeed contending views, of what the intelligence says on a variety of subjects. I think it is particularly important to recognize that in the law we look on the adversary system with the various sides presenting the views, and out of that we hope will come the truth. I think the same thing is true of intelligence, and that where there are differing views among the different agencies and where that

should be encouraged, then that information should be brought to the President and the other decisionmakers.

I concur with the suggestion made by the former Speaker and by the Commission that Congress could be very helpful in streamlining the committee system. Again, going back in experience to the 1980s, we had the same problem with the drug-trafficking and drug abuse prevention effort, where I know I and the others in the Department of Justice alone had to testify often before some 28 different committees. In the intelligence field, the situation is even worse.

And I would also add that something I think Congress needs to plan for, because it is now being raised repeatedly, and that is, how the Congress of the United States will deal with an incident or incidents which would affect Members of the Congress themselves and how they would develop a system for the carrying on of the functions of Government in the legislative branch. We have a continuity of Government program that I was fortunate to be part of the development of when I was in the White House back in 1981. I hope that there is something comparable going on within the Congress, but I would suggest, Mr. Chairman, that it is absolutely necessary.

With that, I would conclude my remarks. I would be glad, if there are questions, to respond to the former Speaker's suggestions about the FBI on which I have some

definite ideas, but for now I will conclude my remarks and be prepared to answer any questions the committee may have.

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[The statement of Mr. Meese follows:]

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Mr. *Boehlert.* Thank you very much, General.

Mr. Thompson?

STATEMENT OF LARRY D. THOMPSON

Mr. *Thompson.* Thank you for asking me to be here today. I am pleased to have this opportunity to share with you my thoughts and some observations on the important issues under consideration by this very distinguished committee.

What I would like to do just briefly, because I have, as have the other panelists, detailed my thoughts and observations in a written statement, I would like to just briefly address with this committee three points.

First, I strongly urge Congress to address the PATRIOT Act provisions that are scheduled to sunset on an expedited basis and in a fair, balanced, and bipartisan basis. And you have already done this before. As you know, the PATRIOT Act passed Congress with overwhelming bipartisan support. And for the reasons that the 9/11 Commission recognized, I think we need to address these provisions that are scheduled to sunset as soon as possible.

The 9/11 Commission recognized that the new authorities given the Federal Government pursuant to the PATRIOT Act are beneficial to our country's anti-terrorism efforts. And the beneficial aspects of the PATRIOT Act as it relates to information sharing were also noted by the Joint Inquiry of the House and Senate Intelligence Committees.

Now, although the Commission observed that some of the PATRIOT Act's provisions will sunset or cease to be in effect on December 31, 2005, it did not set forth specific recommendations concerning the Act, except to note that the Act should be the subject of a "full and informed debate." The report of the joint inquiry was a bit more affirmative and recommended that certain of the information-sharing provisions of the PATRIOT Act not sunset.

Now, members of the committee, at least 16 provisions of the PATRIOT Act are scheduled to sunset as of the end of 2005. I think it is critically important that Congress now undertake what I said and what I called for, a reasoned, dispassionate, apolitical, and informed analysis of these provisions which I think are so important to our anti-terrorism efforts. We do not want to let these provisions expire and get caught flat-footed as a Nation, possibly compromising our ability to adequately secure the public safety.

I agree with the 9/11 Commission when it noted that many of the PATRIOT Act's provisions are basically non-controversial. For example, many provisions simply update our surveillance laws to reflect technological developments in a digital age.

Unfortunately, ladies and gentlemen, much of the discussion and debate about the PATRIOT Act has been at the

extremes. Some view the authorities under the Act as unnecessarily authoritarian, while others view those who have concerns as uninformed and willing to unnecessarily sacrifice the country's safety. Much of the debate about the PATRIOT Act is shrill and is ill-informed. In fact, some of the actions that have been taken by the executive branch in response to our anti-terrorism efforts have been criticized, like the designation of enemy combatants, and these actions, in fact, are completely unrelated to the PATRIOT Act. We have got to do better.

When I served as Deputy Attorney General, I came to realize that our country's success in fighting the threat of terrorism would increasingly depend on public confidence that the Government can ensure the fair and impartial administration of justice for all Americans while carrying out its essential national security and public safety efforts. This is why a balanced, apolitical, and expedited review of the sunset provisions is needed. I urge such a review, and as a former Government official who experienced the utility of these new authorities, I urge their renewal. And I specifically direct your attention to my discussion of Section 218 of the PATRIOT Act which enhances information sharing, which is so critically important between law enforcement and intelligence officials. That provision has

basically allowed our Government officials to connect the dots as it relates to terrorism threats.

The second point I would like to briefly mention is the concern that I have with respect to the 9/11 Commission's recommendation regarding the establishment of a National Counterterrorism Center. The Commission in its report duly noted the concern of civil liberties in connection with the new authorities that Government has been given in its antiterrorism efforts, and I agree. And I also agree with the Joint Inquiry report that Congress should continue its robust oversight of domestic law enforcement and intelligence authorities, including FISA and the PATRIOT Act.

But the Commission recommended the establishment of the National Counterterrorism Center which would focus on all-source intelligence, foreign and domestic, on transnational terrorist organizations. And I note briefly in passing that it is important for fundamental privacy and civil liberties concerns that, as with the existing Terrorist Threat Integration Center, which is called TTIC, that intelligence relating to purely domestic organizations, even violent ones, not be a part of the new or recommended National Counterterrorism Center. The FBI is fully capable of dealing with the threat to public safety posed by these organizations.

And, finally, I would like to address an important point that is not specifically mentioned in the 9/11 Commission report, but I think it is important, and that is that we must make certain that technological advances not provide a safe haven for terrorists. Technology advances, in fact, may render some of the provisions of the PATRIOT Act moot, especially those provisions that deal with electronic surveillance.

And you contemplated this possibility in 1994 when you enacted the Communication Assistance for Law Enforcement Act, as it is called--CALEA. CALEA became the law because of concerns that advances in telecommunications technology could limit the effectiveness of lawful electronic surveillance.

Now, I think it is critically important to understand that CALEA does not give law enforcement any new or augmented authority to conduct court-ordered electronic surveillance. Rather, CALEA simply provides law enforcement with a technical capability to conduct court-ordered electronic surveillance by requiring industry to develop and make operational CALEA intercept capabilities.

Unfortunately, CALEA has not achieved its laudable objectives. I mention in my written statement a report, an excellent report that was done by the Department of Justice's Inspector General that discussed the delays in CALEA implementation, and the Inspector General made several

important recommendations in its report to increase and speed up the implementation of CALEA.

And I think the most important recommendation is that the Department of Justice submit to you, to Congress, proposed legislation necessary to ensure that lawful electronic surveillance is achieved as expeditiously as possible in the face of rapid change.

Now, the Federal Bureau of Investigation, I understand, is currently preparing a legislative recommendation for review by the Department of Justice and the White House. The FBI plans to brief appropriate members of Congress on the need for legislative remedy for delays in CALEA implementation, and the FBI states that all this can be done during 2004, this year. This process, I believe, must be completed within that time frame. And when Congress receives the administration's proposals, it should act on them with the same sense of urgency that it is approaching the proposals of the 9/11 Commission. I think the public safety of our Nation, and even the lives of our citizens, may depend upon Congress's expeditious response to the concerns about the advances in technology.

And with that, that concludes my oral remarks, and I will be pleased to try to answer any questions that you may have.

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Mr. *Boehlert.* Thank you very much. Thank all of you for being facilitators for this committee and our important work.

Mr. Speaker, you said we have to look ahead and look ahead to 2010 and beyond, and you called for replacing, rather than reforming, the current structure. What do you think the 9/11 Commission recommendations, what category do they fall into, replacing or reforming? I sort of see it as a combination of the two.

Mr. *Gingrich.* I think that is right. It is a combination of the two. And I think a very important contribution because, and the reason I picked the one example of no sanctuaries, if you read their recommendations and you take them seriously, that is, you drive the recommendation to its logical real meaning, they are startling in the scale of change they imply.

Now, what normally happens in this city is the committees get together with the staffs, very careful to protect jurisdiction, and they often write bills designed only to fit their particular jurisdiction, so you get some fairly weird bills at times.

Then, you bring in the heads of the great bureaucracies, each of whom explains to the--actually, they have already done almost everything right, and they have already learned these things, and they have actually made most of the

adjustments. And then just say to them, "Fine. How many people do you have actually capable of doing 'X'?"

And they go, "Well, in 5 years, we will have that or maybe never, but you have to understand how sincere we are."

And so I start with this, and I say this respectfully, having spent a good bit of the last 5 years since I left the Legislative Branch working on problems in the Executive Branch, both in health and in national security. So I was very fortunate to have a number of people in the Executive Branch to allow me to have fairly wide latitude to drift around and ask questions.

I can tell you I really thought General Alexander captured it perfectly, the head of Army intelligence, who said: We have Industrial Age processes for Information Age technology. So, when we show you the technology, if we then ask you can we get anything like the speed that Citibank would get or the efficiency that Wal-Mart would get, the answer is, no, because you immediately de-Information Age the process. At a minimum, you return it to an Industrial Age, and in many cases you return it to a quo pan-agricultural age. So you now have this fabulous new potential communications system blocked by its own self-imposed limitation.

So I think the Commission is, if you take the Commission seriously and drive the meaning of their recommendations,

this is a very radical document. If you simply take them on their surface manifestations, it is a useful step in the right direction, but not nearly as radical as the underlying meaning.

Mr. *Boehlert.* Which brings me to my next question-- nice segue. We have to look in the mirror. We have to look within before we try to change everything downtown, and we have to do the two simultaneously.

Mr. *Gingrich.* That would be a nice start and a change.

Mr. *Boehlert.* Now, let me ask all of you, would you suggest that dealing with intelligence from the Legislative Branch, would it be best to have a joint committee of the House and Senate, much like we did with the joint inquiry into 9/11 or would you suggest that each body have both authorizing and appropriating authority vested in one committee? Give us your thoughts on that, General?

Mr. *Meese.* I think that it would be highly desirable to have a single joint committee that would encompass both Houses and be, in effect, the authorizing committee if you would, having the substantive subject matter oversight responsibilities.

I think that in terms of the Appropriations Committee, a single Appropriations Committee would be desirable for the

same reasons. Although knowing the history of the Congress, it may be more difficult to achieve.

Mr. *Boehlert.* In one committee a responsibility? And I am anxious, Mr. Speaker, because of your extensive experience, to have you address that. You would not combine authorizing and appropriating authority in one committee, as many have suggested?

Mr. *Meese.* I think that there is a possibility that that would be a very successful idea. I don't know. I don't believe it has been done in any other situation, has it?

Mr. *Boehlert.* There are a lot of things that haven't been done in any other situations. We are facing a new threat for a new era.

Mr. *Meese.* I would say that it would be highly desirable. I think it would be a good thing, and I think it would also facilitate what I recommended in my opening remarks, and that is a national strategic plan for intelligence which could be viewed then by that committee, and they could then make sure that the appropriations and the budget reflect the requirements that would be identified in such a plan.

Mr. *Boehlert.* Mr. Thompson, I know you want to comment, and then we will hear from the Speaker.

Mr. *Thompson.* I think the unity-of-effort approach would be highly desirable because I believe that you need to

undertake a continued oversight responsibility. I termed it a "robust oversight responsibility," as it relates to FISA, for example, and the new authorities under the PATRIOT Act, but I also think that if you had this combined effort, it would, as the former Speaker said, conserve Government executive time in terms of what is required in terms of the oversight responsibilities and how the Executive Branch might be able to fulfill its obligations to Congress from an oversight standpoint. So I think it would be, that streamlined approach would conserve time and be very effective.

Mr. *Boehlert.* One often wonders, Mr. Speaker, how Governor Ridge has any time to deal with homeland security if he has got 87 committees and subcommittees he has to testify before. I mean, every day it seems to me he is preparing for yet five or six more hearings.

Mr. Speaker, how would you respond to that basic question?

Mr. *Gingrich.* Actually, I would follow a set of principles which would lead me to a slight variation of what was suggested.

I would, first of all, argue both for the job in the Executive Branch of National Director of Intelligence and for the authorizing committee that it has to have appropriations power. If the National Director of Intelligence doesn't have

budget power, he or she doesn't have power. Let us be clear with this.

Now, that will mean a huge fight with the Department of Defense, but that is a legitimate fight. And I think that for things like the National Reconnaissance Office, the National Security Agency and the Geophysical Imagery Agency, Geolocational Imagery Agency, I think those are perfectly logical to be in intelligence. I think military tactical intelligence ought to stay with the military, and the Secretary of Defense ought to be dealing with money for military intelligence at a tactical level, and national gathering of information assets ought to be largely funded by the National Director of Intelligence.

The same thing I think holds true for the House and Senate. It is an objective reality that every time the intelligence community wanted to get around the two intelligence committees, they ignored the two committees and went to the appropriators. If they could get what they wanted out of the appropriators, they frankly didn't care how much they got nagged by the intelligence committees. That is just a fact.

It strikes me the way you end that as being a fact, and I believe, under the Constitution, what you ought to consider doing is creating in both the House and Senate a committee on intelligence which includes appropriations authority, which

when it meets as an authorizing committee meets as a joint committee. So it, in effect, would meet jointly. They would have a joint House-Senate committee for authorizing purposes. The testimony would be to the joint committee.

The joint committee would draft and report out legislation. But you would then because I think technically under the Constitution you would have to appropriate as separate bodies--I could be wrong, but that is my impression. If you don't have to appropriate as separate bodies, I would have it all joint.

I think intelligence is the most sensitive and difficult thing we undertake in a free society, and we have got to get some level of legislative responsibility that has real power and has real intellectual and institutional memory. I think that cannot be done by having the appropriators over here with the money and having another well-meaning group over here with theoretical authorizing power while the appropriators cheerfully appropriate without authorization.

Mr. *Boehlert.* Thank you very much, all of you.

Ms. Harman?

Ms. *Harman.* Thank you, Mr. Chairman. Welcome to both Gingriches and our other panelists and to a number of representatives from the 9/11 families. I know you were here this morning as well. Your moral authority has been the reason we formed the 9/11 Commission. It is the reason that

the 9/11 Commission was able to achieve unity, and it will be the reason that these excellent recommendations will ultimately be adopted by Congress--I would hope sooner rather than later. But thank you for your tenacity and for the power of your quiet witness. We all notice it, and we all appreciate it.

Speaker Gingrich, it is a lot of fun to hear you over here and to think about some of the things you say. I appreciate the compliment about the Intelligence Transformation Act. I know that is a word you love. That is the name of H.R. 4104, and that does contain many of the ideas that ultimately came to be found in the 9/11 Commission recommendations. We believe that this sort of transformation is needed. We believe in words you might embrace that we have analogue capacity against a digital threat and, oh, by the way, so does Congress. So we believe that structural changes are needed. Those are not the only changes that are needed, but structural changes are needed.

I wanted to go to something else you said, and then I also want to ask one question of our other witness, General Thompson, because of something he said. Well, let me make that statement and then ask you, Speaker Gingrich, my question.

My statement is that I thought your comments about the PATRIOT Act are well-taken. We should, in a bipartisan way,

review that act and consider extending some of its provisions that will expire next year. My only amendments would be that we ought to do it next year, not in the fury of the election, and we ought to consider extending those that work and repealing those that don't work.

I supported the PATRIOT Act, and I will again, but I won't support it in the exact form that we passed it. I think we should take out, for example, the library provisions, which I don't think are useful, but at any rate, I just wanted to endorse that.

To Speaker Gingrich, my question is you mentioned that a major threat that we have not been discussing, and I totally agree, is the threat of nuclear and biological weapons in the hands of Nations that possess them or can possess them.

My question is this. I agree with you, but I think a related threat is the threat of nuclear, biological and other weapons in the hands of terrorist groups. I think the issues of terrorism and proliferation are linked, and I think therefore that some language in our bill that would set up a Counterproliferation Center called PROTIC, modeled after TTIC, would be very useful.

So I would just like to ask you to address, in my remaining time, the link between terrorism and proliferation.

Mr. *Gingrich.* Well, I think you are exactly right. My only point was, as you design an intelligence community,

you have to have a lot of countries in mind, in addition to responding to 9/11 and that places like, frankly, the Taiwan Straits may be as dangerous as any challenge we face in the next 20 years, and you have to think like that when you are designing an intelligence system for the next generation.

You are exactly right, though. The most likely threat of actually killing a large number of humans in the next 10 or 15 years--large number of Americans at least because there are other possibilities that could be horrifying that don't involve us--but from an American standpoint, the most likely threat is a terrorist-delivered weapons of mass destruction or weapon of mass murder.

And I think any effort which could be made to systematically organize counterproliferation, recognizing, as the A.Q. Khan case indicated in Pakistan, that there is a significant private-sector threat here. I mean, there is both the danger that some dictatorship like North Korea will sell you stuff, but there is also a danger that hanging around the planet there are a number of scientists who are really smart who are doing things that could kill a lot of people. So I think that kind of a Counterproliferation Center would be helpful.

I would say that the success in surfacing the A.Q. Khan behavior, the success in getting Libya to back down, are

really nontrivial events. They move us in the right direction.

The other thing I would say to the Congress, whether you want to do it in a politically charged environment this fall or you want to wait until January, at some point we do have to confront the question, if North Korea and Iran are not diplomatically dissuadable, then what level of risk are we prepared to run allowing them to get weapons that will kill a lot of Americans. And that is a hard problem, and it is one where we have to communicate with the world community and make sure the people around the planet understand why we are so worried.

Ms. *Harman.* Well, I appreciate that. My time is up. I would just add a footnote to what you just said, which is that we have an array of tools we can use. Diplomacy is one of those tools. But I would hope that we have learned some lessons from the Iraq experience, and those are, in part, that the use of military force may be successful to win a battle, but it may not be successful to win the hearts and minds and secure the peace.

Mr. *Boehlert.* Thank you very much.

Mr. Gibbons?

Mr. *Gibbons.* Thank you very much, Mr. Chairman. And to each of you, welcome. Your testimony has been most helpful, most enlightening and, to say the least,

entertaining as well because, as we sit here for hour after hour, it is great to have something stimulate our mind in new areas.

Mr. Speaker, our association goes way back. I am on this committee because of you, and I want to thank you for that. I want to thank you for the problems we now have that I have to carry now because you put me on this committee.

But that being said, as we look back to 1947, and the Reorganization Act which created the intelligence community, the additional complexity between the military and our intelligence agency, was created in order to get, in my view, competition in our intelligence agency to serve the number one user of intelligence in 1947, which was our military.

So, today, as we look at this, reorganization concepts, there is a need to get buy-in from the military now who are principally one of the many now users of our intelligence, besides policymakers and the administration, and I think achieving that buy-in is going to be very difficult simply from the fact that you are taking a budget system today, which is at least two-thirds vested in the Department of Defense over the intelligence capability of our country and restructuring that to take that money out from under the control of an end user of that intelligence into the hands of the National Intelligence Director.

And my question would be how do we assure that tasking of the gathering and collection of intelligence for the priorities of our users can be accomplished with a structure which not only removes budgetary direction from the Department of Defense and puts it in the National Intelligence Director, who is not under Secretary of Defense?

Mr. *Gingrich.* Well, actually, your question, if I might, fits directly back into the comment at the very end of Congressman Harman's point about military versus nonmilitary activities. And let me make a couple of observations.

When Franklin Delano Roosevelt decided to create the Office of Strategic Services, every element of military intelligence and the FBI were opposed. Let us just go back. I mean, the history of America is no large bureaucracy believes any other bureaucracy should be created to do anything the current bureaucracy can claim they are already doing and will invent doing if they haven't already started. It is just the nature of 200-and-some years of American history.

One, the number one user of intelligence is not the military. It is the President of the United States, and intelligence should be organized in such a way that the President of the United States has direct access to the best intelligence-gathering in a unified way on a worldwide basis.

Two, the purpose of gathering the intelligence is to prepare decision processes, some of which include military targeting. It is very different from in the middle of the Cold War, when much of what we did was very narrowly focused on the Soviet Union and very much involved in a target/countertarget kind of game.

Three, we have to invent two processes. I mentioned one of them earlier. We have to invent entrepreneurial public management. The reason in Iraq the civilian side can't deliver is the processes simply don't work. The reason in Afghanistan it took over a year to pave the first mile of road is the processes don't work. The military still works because the military has wartime pressures to say, "I am just going to go get it done."

So everywhere we gave money to division commanders, they just got it done. Everywhere we took 10 times that amount of money, put it into the civilian process, nothing happened. So you have got to develop entrepreneurial public management.

There is a second thing you alluded to. We have to replace the interagency process with what I would call integrated operations, and you put your finger on it. The reason defense doesn't trust giving anything away is they know, in the interagency process, they will lose all control over it.

Well, why shouldn't the National Director of Intelligence regard to Secretary of Defense as one of the three or four most important clients, and why shouldn't there be as big a change from interagency to integrated as we got from the four services to jointness? And that is going to require Congress to pass a law to give, to create a whole new mechanism so you have a transparent, accountable process where--and by the way--this is more important in the post-combat environment, where you want to be able to get lawyers into the country without waiting for volunteers on a 45-day basis. You want to be able to get the State Department into the country without waiting for volunteers. You want to be able to actually know what you are going to do the morning after the war, as opposed to hoping you will get a few people to show up.

I mean, I cannot tell you--I was first briefed on this by General Thurmond in 1991 after Panama, who said to me, "The interagency doesn't work."

I was then briefed by General Hartzog, after Haiti, who said to me, "The interagency doesn't work."

And I can line up more people than you want to listen to, to tell you, after Afghanistan and Iraq, the interagency doesn't work.

Well, guess what? When you get to intelligence, the interagency doesn't work. So you need to invent an

integrated process using entrepreneurial public management to have an organized system of intelligence, one of the major clients of which is the military.

Mr. *Gibbons.* My time is up, but I certainly hope that we have a greater amount of time after this to engage in further discussions.

Thank you very much.

Mr. *Boehlert.* Thank you very much.

Mr. Reyes?

Mr. *Reyes.* Thank you, Mr. Chairman.

Gentlemen, welcome back. It is a real privilege to hear your perspectives.

I was struck, Mr. Speaker, you know, we know that the status quo is inadequate, is not working. We know that we have got to change the system, and you certainly today have planted a whole kind of smorgasbord of things that we ought to at least consider doing and that the premise being that we can do better than we have been able to.

Now, having said that, I am curious, based on the situation, as we see it today, with Washington, D.C., and New York under Code Orange, the threats and the intelligence that is coming up and telling us that we may be hit again in a major way prior to the election, would you, if you were still Speaker, would you call us back for a special session, in your opinion?

Mr. *Gingrich.* Let me say, first of all, that you bring unique personal background to serving this committee. You have been on the front line working border issues. You understand the gap between speeches on the House floor, passing a bill, getting a bureaucracy to decide to implement the bill, figuring out what it might mean, going through the training program and then getting the regulations issued. So you have lived it in your own life.

I actually think it is probably useful for the country to have you holding hearings. I don't know whether or not the Senate will be doing the same, but they should be. And I would say that it would be very, very helpful if this committee and its counterpart in the Senate could come up with a bill to propose to the Congress in early September.

I don't know, as a practical matter, that getting everybody else back here to walk in circles, and wait and complain, while you all held the hearings and marked up the bill, will get you very far. I am also not sure, as a practical matter, that you could drive into the system, between now and the election, the scale of change you need. I mean, I think even in the Second World War it took months and months in what was basically total war. It is really hard to move these big bureaucracies.

And I am not trying to be partisan, but I just think, as a practical matter, I am thrilled that the President sent up

a nominee to be DCI, without regard to whether it is the right person--I think it is--but it was the right thing to do because we are in a war. I am thrilled that you are holding these hearings. I would hope we would bring major legislation to the floor in September and actually get it through the House and Senate before adjournment this year. And I would regard that as a significant step.

If the President needs anything--and this is where the burden ought to be on he, and Secretary Ridge, and Secretary Rumsfeld and others, including George Tenet, who still is the most knowledgeable person in this area--if they actually think they need emergency legislation of any kind, they should be very aggressive in coming to you with it now. But my experience has been, when you go to them and ask about it, they think they need orderly, thoughtful, serious, deep change rather than any particular emergency activities in the near future.

Mr. *Reyes.* Well, in that vein, and believe me I have always, and I have told a lot of people that I appreciated the fact that even though I was a freshman, and we were talking about, remember when we were talking about the decertification of Mexico as it pertained to cooperation with drug trafficking, and we were right on the verge of decertifying Mexico, which I thought would destabilize, and I am always grateful that you took time to listen to me and

that we averted what I think would have been a disaster at the point back in early 1997 to decertify Mexico. So I appreciate your comments more than you know.

The question that comes to my mind, again, based on what you just said, is should we then be marking up some form of legislation to establish a marker in terms of what we need to be doing as a Congress to reorganize the intelligence community?

Mr. *Gingrich.* I think it would be helpful if you could mark something up in September. I also think it would be helpful, frankly, if you could make commitments for the nature of the next Congress. And I think you have got to force the Congress itself right now, the point that Congresswoman Harman said, which is so important, while the 9/11 families are watching, while the country is paying attention, if you don't get Congress to change its behavior before it leaves this fall, it is going to be stunningly hard to do it when it comes back in January.

And so I would urge you to both look at yourselves, not just the Executive Branch, and I would urge you to consider a substantial bill of reform in September, on a bipartisan basis. The President has already taken major steps, and I understand, as the discussion goes on, they are considering going even further in the direction of the 9/11 Commission, just based on newspaper reports.

And I think that as the dialogue goes on, it is possible for you to pass a bill which will strengthen substantially the hands of the gentleman from Florida who just walked in, and give him the tools he needs to be a real Director of Central Intelligence and not merely a coordinator of the Secretary of Defense's assets.

Mr. *Reyes.* Thank you, Mr. Gingrich.

Mr. *Boehlert.* The time of the gentleman has expired. The gentleman from California, Mr. Cunningham.

Mr. *Cunningham.* Mr. Speaker, let me come at it from a little bit different direction. A lot of my colleagues are talking about intel as far as collection, intel as far as the civilian world from HUMINT. Let me look at it a different way because I feel a little differently than you.

I am afraid if you had a National Intelligence Director, I have stated in other things, that the closer you get to the White House, if it is all scrubbed by the White House, then you are going to have great gridlock there. My other fear is, say if the President appointed someone like Strobe Talbott as National Director, someone, or the President himself, who has continually looked at Defense and intel as a source for revenue and to cut them. Then you put all your eggs in one basket, and I think that that could be dangerous. I personally feel when we establish a NID and a DCI, that one should be military, but I think the Sec Def should have equal

parity with the other as a counter-balance to offset that, a military and a civilian.

My problem is that I also look at the future, and I would like to look at it from a military aspect on intelligence. If we take away the authority of NSA, NRO, NGA and the DIA from the Secretary of Defense, it could have bad things. Let me give you a good example.

Recently the Air Force took F-15s, fought against the Indian Air Force. The intelligence going in was so faulty, the capability of the Indian pilots was supposedly they were not very good. They are better or as good as our top gun pilots today because of the numbers of hours, the equipment and the technology that they have.

The information, when they went into that simulated combat, the missile, the A-10, A-11, A-12 missiles, the capability and what they had was wrong, the capability of the MIG-29, the SU-30 and the upgraded MIG-21s. If we would have gone in, our pilots would have--we died 95 percent against an air force that we thought was inferior. And if that intelligence, if that Sec Def gives up that intelligence, our kids going into battle are going to die. That kind of bothers me a little bit.

And the other aspect of that, Mr. Speaker, if our intelligence for Defense is faulty, as an appropriator, a defense appropriations person, then the things that I vote on

in Congress for our capabilities out of our defense industry, I do not want to build P-51s to beat an SU-30, or I do not want to support a joint strike fighter that does not have the capability in 8 years to meet the SU-30, the SU-37 or whatever they have. So I feel personally if you take that authority away from Sec Def, it could be detrimental to the application, to the tactics that we fight and ask our kids to fight daily. Would you comment on that?

Mr. *Gingrich.* First of all, as you know, I have the deepest respect for your personal experience and the fact that you understand why being able to win a dog fight is really important, and that the other side losing a dog fight is really better than our side losing a dog fight, so I am responding in the context of the deepest respect for your background.

First of all, I do not think we should ever have a single system of intelligence. I would not recommend, for example, stopping the State Department from having an analytical part. I would not take the Defense Intelligence Agency out of Defense. I think it is very useful to have multiple sources of analysis competing. Even in the current system, we have had periods when we have kidded ourselves about a whole range of issues. I think that is important.

Second, I would not underestimate the capacity of the military to kid themselves for budgetary and service reasons,

the propensity of the Navy, for example, to want to defend Taiwan with naval assets only, if you look at certain kind of planning, or the propensity of the Army, Marines or Air Force to each have their own solution. So even in the current system I would raise questions.

I believe that purely military functions--and what you just described was a military function--should remain in the Defense Intelligence Agency and should remain with the services. I think the Air Force should in fact have an active intelligence capability.

In my earlier testimony I said I thought we need more military area specialists. I think Congress has to revisit the size of the military and the number of officers and senior non-coms available for the purpose of being area specialists. We do not have the right career tracks. We do not raise enough people who are fluent in Arabic. We do not raise enough people who are fluent in a whole range of languages and who are prepared to go out and be specialists in those areas and develop a depth of analysis.

The question I was raising is different. I also say this. A President who is willfully determined to rig the intelligence process will do so. I mean they did it in the system. When Carter wanted to basically cripple human intelligence and shift to gathering intelligence by satellite, Stansfield Turner did it. He did it at the

direction of the President. A President who wants to kid themselves about dangers will kid themselves about dangers, just as Stanley Baldwin failed to tell the British people the truth about the Luftwaffe in 1935. So we are not going to invent a system that prevents a willful elected official from being stupid.

They will then suffer consequences in history for having been--you know, by having betrayed the public's interest on behalf of their own ideology or reelection, they will ultimately be punished by history which is what has happened to those guys. That is not the concern I have.

My concern is whether or not, for the purpose of nonmilitary activities we are going to have a robust, coherent intelligence system with the ability to have comprehensive collection and analysis and the ability in real time to distribute that information, to all users, including the military, and in many cases including our allies. I think that is best done by having a National Director of Intelligence who actually has budgetary power over nonmilitary intelligence, and then collaborates with the Secretary of Defense over specifically military intelligence.

Mr. *Cunningham.* I do not disagree with that, Mr. Speaker.

Mr. *Boehlert.* The gentleman's time is expired.

Mr. Boswell.

Mr. *Boswell.* Thank you, Mr. Chairman.

Thank all of you for being here.

Mr. Speaker, I notice your better two-thirds is with you. We not only appreciate your history of service, but hers keeping the Ag Committee on course.

Mr. *Gingrich.* And a graduate of Luther College in your fair State, I might point out.

Mr. *Boswell.* And that is not any handicap. So we welcome her as well. Welcome.

I appreciate us calling all of you and your response, and I might just start off by saying that H.R. 4104, that many of us worked on, places the Director outside of the cabinet, and I cosponsored, supported the draft, but I have had a lot of windshield time, and I get to thinking about the reality of dollars and authority and how this works together, and I guess we will surely have plenty of time to discuss that when we get into markup. But I share some of your concerns on that, and thought it might just state that.

I am also concerned about if the Secretary of Defense loses control over the national budget, and if the Armed Services Committee loses jurisdiction over national intelligence, how do they respond? You can draw on some experience. Maybe you ought to kind of prepare us for what we might expect to run into.

Mr. *Gingrich.* In the 1980s, with Sam Nunn, Gary Hart, Dick Cheney, and a number of other people, Les Aspin, I helped found the Military Reform Caucus in the early years of the Reagan buildup, and our position was that it was not enough just to build up the military. You also had to rethink what we were doing and how we were doing it.

Ultimately, I was actually the number 3 testifier at the first hearing on what became of the Goldwater-Nichols Bill. And after the Chairman of the Joint Chiefs and the Chief of Staff of the Army, who were retired and in favor of the reform.

When Goldwater-Nichols was drafted, every service chief, and Secretary Weinberger, and the Reagan administration were opposed. So I start with the premise any time you are in a fight where the group that currently has the money has to give up part of the money to a group that does not currently have the money, you had better say, oh, they are going to be opposed.

Now, the question I would have to ask is, is the change large enough that it is worth the fight? My point is just this, and this is why--I want to go back to what I said earlier--this book is a very radical document if you take it seriously. But remember, I also said I think that we need probably three times our current intelligence budget. If you really take seriously the scale of what this book says we

ought to be doing, and you add to it Russia, China, the kind of weapons we have to worry about for the next quarter century, you are talking about a big system.

I do not want to have a National Director of Intelligence. I do not actually care in detail whether they are in the budget or out of the budget, and I think that General Meese has it sort of right. You can be of budget--I mean in or out of the cabinet--you can be of cabinet status, and frankly, the way the modern cabinet works you do not need to be around when they meet anyway because it does not happen very often.

But if you do not have real money authority, when you walk into a room with NSA, if the head of NSA understands, nice conversation, and then they turn to the person who has the real money, You do not have power. We do not need a National Director of Intelligence who does not have power, and that is why I also said--and I do not mean this negatively; I have the deepest affection and respect for people at the CIA who have endured enormous press beating, enormous politician beating, and have served their country in very risky environments for a very long time, at very low pay--

Mr. *Boswell.* Let me interrupt, because I know this chairman is going to interrupt us both here in just a moment probably. Yes, yes, he will.

How do we--I understand what you are saying. I think we all do. I think you have given us that lesson. But how do we--we cannot afford dollars or the time to waste the money. I am very concerned about the possibility in this, going through this if they kind of withdraw personnel and whatever and kind of restart their own type thing. Then we--

Mr. *Gingrich.* the personnel is going to follow the money. My point is you have to go the floor and you have to get 218 votes and 60 votes across the way, and then you have to get a signature. When you do that, exactly what happened with Goldwater-Nichols, which is the morning after it passed, everybody reorganized themselves and decided, well, this jointness thing is pretty good. And as my good friend, Mr. Cunningham will tell you, an amazing number of people who hated it, will now come in and testify, We could not have done (A) without it, we could not have done (B) without it. It is the duty of the Legislative Branch and the President of the United States to decide what is right, and then the bureaucracies will reorganize themselves around that decision.

Mr. *Boswell.* Lastly, with the last few moments, what are your major concerns about the 9/11 Commission recommendations? Do you have anything that you kind of put at the top? Any of you can respond.

Mr. *Gingrich.* I will just say my part, and I will yield to my two friends here. I am really worried, as I started my own testimony, that we focus too narrowly on defeating terrorism and we forget that America could cease to exist from a variety of causes that are not covered by 9/11. And with that single caveat, this I think has been a remarkable achievement for which the members of this Commission deserve I think great credit as citizens.

Mr. *Meese.* I think that in general I do not find anything that I particularly disagree with. There are some minor things that we might have a differences, but I think it is an excellent report, an excellent blueprint for reforming and transforming the intelligence community, which is the subject of our deliberations today.

I have some concerns about the NID, the National Intelligence Director, having the Counterterrorism Center directly under his command. I think getting him involved or her involved in day-to-day operations activities is probably a mistake and will detract from the overall responsibility to the intelligence community. That is the only thing that I would bring up before this committee.

Mr. *Thompson.* Congressman, like with my fellow panelists, I agree that it is an excellent report. I know the Commissioners worked long and hard on their efforts, and I was particularly pleased that the Commission decided not to

adopt a recommendation that has been espoused by some, including perhaps the former Speaker, and that is to set up a separate domestic intelligence agency. I think that would have been counterproductive to all the good work that has been done in law enforcement and in the intelligence community since 9/11. I think it recognized the very important role of coordination and integration of our antiterrorism efforts, and I think it also recognized the importance of our constitutional traditions in this country of not having such a body roaming around the free speech concerns of Americans, and so I was very pleased with how the Commission came out on that important point.

Mr. *Boswell.* Thank all of you.

Thank you, Mr. Chairman.

Mr. *Boehlert.* Thank you. The gentleman's time has expired.

Mr. Hoekstra.

Mr. *Hoekstra.* Thank you, Mr. Chairman. Great panel. They will obviously keep us very awake for after lunch, appreciate that.

Mr. Speaker, you have brought up an issue that nobody has really touched on in most of the panels that we have had over the last two weeks, and that is the scope, saying that if you read that book seriously and you take the recommendations seriously, and you take the vision that you

have outlined for what an intelligence community should look like, it has to be three times the size that it is today. Can you take us through the rationale or the thinking as to how you get there?

Mr. *Gingrich.* Sure. If you were to say to yourself, in 2015 or 2012, what would you like to know about the world? I will start again if I might--can I have the map again? I want to start again with this because it is the easiest show and tell, which Chairman Goss has had to put up with before.

So you take their recommendation on page 367, no sanctuaries. And you say, all right. I want to see an operational plan on this scale for no sanctuaries. By the border area of Paraguay, what does no sanctuary mean? Parts of Mexico City, what--this by the way understates it because it does not include large third-world cities. I will give you a simple test.

You cannot find bin Laden because he is in a sanctuary where it is very hard for us to work. You cannot find the bad guys in Fallujah when they are surrounded by the U.S. Marine Corps. This is a hint. If this is a serious book and we mean seriously what they are recommending, we are tackling one of the hardest national security challenges in human history, because we are claiming, in an age of cell phones, Internet, and jet airplane, that we are going to build bureaucracies that move faster than stateless opponents who

have no footprint and no logistics base, and who are protected by their religious compatriots, and will hide inside their communities. This is a hard, hard problem.

Second. If you were not studying the Chinese and you do not have enough people who speak and understand Chinese, you just do not get the future. Well, guess what? We do not have enough people who speak and understand Chinese. We do not have a capacity to penetrate the Chinese Government. We do not know--there are many things.

Simple example, which this committee, I am sure, has done. Sit down with the commander in Korea and ask the commander in Korea what we know about North Korea. Now, we have been studying North Korea since 1950. We are surrounding North Korea. We have people at sea, people in the air, people in South Korea. We have allies in Japan. We have allies in South Korea. We have Korean allies in South Korea. And we know nothing about the regime because it is a really weird secretive strange regime.

Again, my point is these are really hard problems. If you want to seriously do it, all you have to do is you build the metrics for what you want to be able to tell the President of United States in 2013. A brand new President, let's presume it is a new President, in January 2013, and you want the Director of Intelligence and the National Security Adviser and the Secretary of Defense and the Secretary of

State and the Homeland Security Secretary to walk in as a team, and the head of the FBI, to walk in and say, "Here is what you should know about the planet since you are taking over."

Now, you go from that, and by the way, list what you do not care about knowing. You do not care about knowing what the Russians are doing on high technology. You do not care about electromagnetic pulse development in China. You do not care about the Chinese plan for the Taiwan Straits. I mean, what is you do not care about knowing?

All of a sudden you say, well, gee, I actually want to know all those things. You cannot possibly take the current intelligence community and get that job done, not because they are bad people, but because they are under resourced, they are mal-organized, and they do not have the right structures.

Mr. *Hoekstra.* I also want to ask one more question. Mr. Thompson, why is Newt wrong? I always like to hear those folks who are willing to take the Speaker on and say, "Sorry, Mr. Speaker, you are wrong."

Mr. *Gingrich.* Do I get to say later why I am right?

Mr. *Hoekstra.* Yes. And maybe Mr. Meese wants to--on breaking out the FBI into counterterrorism, two units.

Mr. *Thompson.* Well, during my time in government, Congressman, I actually did study the MI5 model. I went to

the United Kingdom and talked to a number of officials there with respect to their efforts with a separate domestic intelligence agency, and there were real coordination problems with respect to MI5 and the regular police.

We have in place the organizational structure with the FBI, where we have law enforcement and intelligence under one roof. The Commission did recommend some changes with respect to the FBI and how it conducts its intelligence business, and I wholeheartedly agree with those recommendations, but one of the most important aspects of antiterrorism is law enforcement. Sometimes you need to take the bad guy off the street. You need to arrest that person. You need to pursue a terrorist in the law enforcement mode. I think under our existing system, with the improvements that the 9/11 Commission has recommended, we have the integration of law enforcement and intelligence.

And I would submit that my colleague and former Georgian, Speaker Gingrich, is not wrong, but just has not had the benefit of the experience that I did--

[Laughter.]

Mr. *Hoekstra.* Did you say you were in the State Department?

[Laughter.]

Mr. *Meese.* Mr. Chairman, I believe the question was also directed to me, and I would concur with Mr. Thompson,

and mention two things. Number one, we have experience with the FBI doing a very good job of combining intelligence and law enforcement within that Bureau, and that was during the Cold War. Much of the Bureau's resources were actually devoted to foreign counterintelligence against the Soviet Union. Those same resources are now being diverted, if you will, to the counterterrorism mission, and so intelligence and law enforcement, for reasons that were mentioned. MI5, for example, when MI5 finds people who deserve to be arrested, they cannot make the arrest. They have to find someone in the Metropolitan Police or one of the other police agencies.

And the line between intelligence and law enforcement is even thinner in terms of terrorism because every terrorist act or contemplated terrorist act within the United States is also a violation of law. So I think this would be a serious mistake to try to create a whole new bureaucracy which would not have the authority and power that the FBI does now.

Mr. *Boehlert.* General, I hope you would concede that the Phoenix memo in the Moussaoui case showed a desperate need for change within the Bureau, and that change is under way now, a total restructuring, and it has been highlighted in the report of the 9/11 Commission.

Mr. *Meese.* No, I agree entirely, and I think, by a coincidence, you had a totally new Director who came aboard

just at the time of the 11th of September, and I think he has responded both in terms of his knowledge of the government generally--he has held a number of posts prior to this time-- but also he came in with a totally fresh view, which I think has been beneficial to the FBI, and the changes he has made already in the structure of the FBI, including having an executive assistant director for counterterrorism, as well as one for intelligence, makes sense.

Mr. *Boehlert.* I note that the Speaker is requesting the attention of the chair. He would like equal time, and what a position of power, to grant the Speaker's request. I will do so, Mr. Speaker.

Mr. *Gingrich.* I just want to make the following observation. First of all, my primary concern is civil libertarian. I think this is very different than the Cold War. I think you want real-time speed against terrorists who could have weapons of mass destruction or weapons of mass murder in a way you did not need against Soviet spies. I think this war is likely to go on at least till 2070. I think this is going to be a very long, very bitter, very hard-fought campaign.

I do agree, and I think the British would agree, that having the law enforcement mechanism is actually an advantage. If they knew a way to get MI5 to have the FBI's law enforcement, they would.

Therefore, I would be willing to modify my proposal to a totally different model, which is take all of the traditional crime elements of the FBI and put them in a new agency, but keep the FBI in charge of domestic counterterrorism. Let me explain again why I feel very deeply about this as a long-term institutional culture problem.

An agency which trains its agents to move at the speed of a terrorist carrying a biological weapon that can kill millions is an agency which is going to run over you if they are going after a bank robber, and I am passionate about distinguishing the two. I am prepared, as Lincoln was, to give up amazing levels of my civil liberty to keep 20 million Americans from dying, but I do not want to give up one inch of civil liberty when it comes to normal domestic crime, and I do not understand psychologically how you train the same group of people to be able to switch on and off, and I am just saying 10 years from now we can revisit this. At some point I think the better the FBI gets at moving at the speed of the terrorists, the more we are going to worry about the speed the FBI moves in nonterrorist domestic crime fighting.

Mr. *Boehlert.* Thank you.

The gentleman from Minnesota, Mr. Peterson.

Mr. *Peterson.* Thank you, Mr. Chairman.

I find myself agreeing with the former Speaker. Coming from Minnesota and being quite involved in this whole

Moussaoui situation, I mean the Speaker has got a valid point here, and we still to this day have not been told exactly what happened with that whole situation. They never would tell us. But from what we could tell, people being trained in the law enforcement mentality were concerned about the conviction more than they were about finding out what was actually going on. As I understand it--I am not a lawyer--but as I understand it, this FISA thing, if you get information under that, you cannot use it in the prosecution.

So they sat on this, and we had him in jail on the 15th of August. Had we got into that information, we might have stopped this. So there is a valid point here. I do not know what the answer is. I looked at this MI5, and I am not sure that is the right answer, but I do think the Speaker has a valid point that the mentality of somebody that is looking at something from a law enforcement aspect gives you a whole different outcome than somebody that is looking at it from an intelligence standpoint, and I think we need to explore this more.

I know that Director Mueller has done great things, and he is transforming things down there, but I still think there is a conflict there that we have not thought completely through.

To follow this up a little bit, you do not like that idea, so if we do set up a National Intelligence Director,

what authorities should the DNI have over the FBI's counterterrorism and counterintelligence division? Should they have exclusive control over the FBI intelligence and electronic surveillance and searches and all, FISA and all that sort of thing? Do you think if we set up this new National Intelligence Director, they should have control over that part of the FBI?

Mr. *Meese.* He would have the same sort of control over the FBI as he would of any of the other 14 agencies, and that is, the policy direction, the allocation of responsibilities, and that sort of thing. You do not expect the National Intelligence Director to approve every FISA search warrant or that sort of thing, but he certainly would have the same kind of responsibilities that he would have for the leadership and management of the community. So when it came to matters of policy, operating procedures and that sort of thing, he would have that kind of responsibility, as he would whether it was the Defense Intelligence Agency or some of the others that we have talked about.

Mr. *Peterson.* And you think that makes sense?

Mr. *Meese.* And I think this makes sense. That is the whole purpose of having this National Intelligence Director.

Mr. *Peterson.* Do you agree with that?

Mr. *Thompson.* I agree with General Meese, Congressman.

Mr. *Peterson.* Mr. Speaker, I will lead you into some grounds that might get you in some trouble, but I think one of the big issues that has not been talked about enough is the problems that we have had in Congress in terms of not having really the ability to do the right kind of oversight, and Betty here not having the power and so forth. I have to tell you, after watching the way this homeland security thing has developed, it looks to me like it is a tough situation to try to get that kind of institutional change. What do you think about that, as somebody who has been the Speaker and knows what you have to deal with? How likely do you think it is that we can actually make this happen?

Mr. *Gingrich.* I think it is very hard. I think the objective truth is, as I said earlier, no system gives up power easily. The only reason you can get power shifted around in the Executive Branch is because the Legislative Branch and the President can agree despite the Executive Branch, and it is equally difficult here.

People go on these committees and spend years of their life developing knowledge, expertise and a sense that is part of what makes their profession worth having been here. You are now asking them to voluntarily change that because they have to vote for it.

I do think it would be helpful in the House and Senate, whether jointly or separately, for the leadership in both

bodies to take seriously proposing to their members real change, and I think that there is more than enough evidence that real change is needed. We made modest suggestions in Hart-Rudman. I think the 9/11 Commission has been much stronger in that. I tried to be even clearer today.

And the change ought to be real, and this goes back to my point about reading this book as either a radical document or just a nicely written more of the same. If you are going to create a Homeland Security Select Committee, then that ought to be the place that the Secretary of Homeland Security testifies, and there should not be 22 other places that can send a letter down and say show up. That is a change of real power. If you are going to the create a combined authorizing appropriating committee on intelligence, then that is where the money ought to be.

What you do not need to do is add three more layers for public relations purposes so you can claim you did something without having transferred real authority and real power.

But I would urge the leadership of both the House and the Senate to try to find proposals on a bipartisan basis, because that is the only way they will pass, that they could bring up before the end of this session, because if you go home and people gradually forget, we--I mean I think with one more disaster, it will begin to be almost impossible to avoid change. But to do it without another disaster will take real

leadership, and I think it has to be time constrained this year. It cannot just carry over.

Mr. *Peterson.* Thank you.

Mr. *Boehlert.* The gentleman's time is expired.

The chair recognizes the distinguished chairman of the committee, Mr. Goss.

Mr. *Goss.* Thank you very much, Mr. Chairman. Because of the circumstances, I am reluctantly going to pass. But I want the distinguished members of this panel to know how grateful we are that you have come to assist our deliberations. I am sincere about that.

Thank you, Mr. Chairman.

Mr. *Boehlert.* Mr. Burr?

Mr. *Burr.* Thank you, Mr. Chairman.

Mr. Speaker, welcome. I remember I owe you an e-mail. You will get it soon. General Meese, General Thompson, welcome as well.

Let me turn to you, General Meese and General Thompson, and ask you: Are the structural changes that are recommended in the Commission's report sufficient enough to accomplish the cultural change within the agencies that would be affected?

Mr. *Meese.* I think that my experience has been that structural change does not necessarily mean cultural change. And one of the things that is always concerning is that we

may be moving boxes around on organizational charts without really changing the result. And I think, for example, that is what I would be concerned about with creating a new agency comparable to MI5 or something like that, that we would not be making the necessary changes.

I think that certainly within the Bureau, for example, cultural change has already been made. It started early earlier, but it has certainly been accelerated since the 11th of September. Never before the 1980s, for example, did the Bureau have an operational capability such as the Hostage Rescue Team. Never did we have the kind of counterterrorism team that has been put together to go overseas, if necessary. It was a very clandestine operation during the 1980s, but we had a team that could go into any other country where at that time the terrorism was directed against American citizens overseas primarily.

So cultural change I think is possible. I think it needs to be accelerated, and cultural change will only occur if leadership from the top-down--the National Intelligence Director, the Attorney General, the Director of the FBI, and the head of the Counterterrorism Section--insist on it. But I think that the lesson has been learned, and I think that the cultural change is already underway there.

I think this is equally true in some of the other agencies, but I think that it is very important that the

National Intelligence Director have the necessary capabilities and the necessary authority to make sure that throughout the community the cultural change does take place. Some agencies will need it more than others.

Mr. *Burr.* Mr. Thompson, anything you want to add?

Mr. *Thompson.* Congressman, I agree with General Meese, but I also believe that it is very important, in addition to the culture, we need to have the authorities to avoid the kind of confusion that Congressman Peterson mentioned with respect to the Moussaoui matter. And part of that confusion I think has been alleviated when Congress enacted the PATRIOT Act, especially Section 218, which allows for information sharing. So as the Commission in this report recognized, yes, cultural change is important, but we also need these important authorities that have been given to law enforcement officials and intelligence officials under the PATRIOT Act.

Mr. *Burr.* I think I would agree with you. I would also add that the cultural changes are required in all these agencies, or you have a disconnect on the hand-off when it is an operation that happens outside of it.

Mr. Speaker, I would naturally save the most challenging question for you. It goes to the heart of an issue raised by the Commission: that 9/11 in part was the result of the lack of imagination. They described it as the imagination of

being able to see an airplane used as a missile. I would ask you to talk, if you would, about the line between imagination and judgment. One of our witnesses last week said it was an imagination out of control that we made a decision to go to Iraq based upon what was available about WMD. And my question to him was: When we find WMD in Iraq, is that now good judgment that we made a decision based upon what we saw and the fact that we went?

Would you like to comment on that?

Mr. *Gingrich.* I think it was Bob Kerrey who said at one point that he had seen a cartoon where a person had three boxes on their desk--in, out, and to heart. Part of what happens in this city is, under the pressure of an immediate press deadline, people say things that are foolish. Somebody said the day after 9/11, "We never thought about airplanes doing this." And I noticed--I think it is in this report--that Dick Clarke said, yes, he had thought about it because he read Tom Clancy's novel--which is not a trivial thing. It is a serious thing. That is, Clancy had written a novel in which a 747 crashes into the U.S. Capitol as a deliberate act of terrorism.

So anybody who has an interest in national security knew it was possible. But there is a different question. Was there any possibility in the world of 1995 to 2000 that this

political system was going to take seriously that threat and do something in a serious way to stop it? The answer was no.

So if you were a reasonably smart professional and you said I can come up here and lobby you on things and have a reasonable chance you will listen to me because it is in the envelope of the discussable, or I could come up here and try to scare you enough that you would say I actually don't want to have any more meetings like that because I can't explain it back home and nobody will believe me, anyway, and we ain't doing it. And that is a large part of what happens. And so it is not just a failure of imagination in the small sense. It is the failure of our society to have places where you can have these conversations. And people can walk out and--I will give you the example that those of you on the Armed Services Committee should take great pride in. Thanks to Roscoe Bartlett's extraordinary tenacity, you have sponsored a Commission on Electromagnetic Pulse, which is the most sobering and frightening thing I have seen since I first started looking at biological warfare, which I found to be pretty frightening, frankly.

Those two things--and that also was led by an act of imagination, a book called "The Cobra Event," which President Clinton gave me one evening and said I should read, it is a novel about a biological threat, which is what alerted President Clinton to it. So start with that notion.

The problem we have is failures of management by imagination. We can come up with individual advisers who imagine things. So what are you going to do about it? And I would say to you that--and, again, I gave speeches on bin Laden as early as 1996. I was a hawk all the time I was Speaker. I collaborated with the President. I supported the President, President Clinton, every time he was active. The political circumstances of that era didn't tolerate the level of aggressiveness that we got to the morning after 9/11. And so I am not sure that we would have done much different. And it wasn't because we weren't clever enough to have imagined it. We couldn't imagine what we would do with the things that we were imagining.

Mr. *Boehlert.* Thank you. The gentleman's time has expired.

Ms. Eshoo?

Ms. *Eshoo.* Thank you, Mr. Chairman.

It is wonderful to see you, Mr. Speaker, and each one of the panelists, welcome today. May I say, General Meese, that you look absolutely wonderful. You don't change one iota. Neither does the Speaker. And although I don't know you, Mr. Thompson, you look wonderful, too. How is that?

[Laughter.]

Mr. *Thompson.* Thank you, Congresswoman.

Ms. *Eshoo.* Typically, when we come into hearings, we know why we are here. We don't always look at or know ahead of time what the title of the hearing is. And I was a little amused this morning when I saw on all of our paperwork that the title of our hearing today is, "The 9/11 Recommendations: Sufficiency of Time, Attention, and Legal Authority." Well, most frankly, I don't know what that is, but I think that both the panel this morning and this panel have offered us a great deal of substance. And I appreciate it.

Mr. Speaker, you speak today as someone that is a real pro from the inside, and you as well--all three of you, actually, from your viewpoints. And I think that so much of what has been said really transcends a partisan view on this; you know, what the President said; what does he mean by that; is it watering it down. Well, then the response is, no, it shouldn't be watered down. You have transcended that today, I think, with the Speaker saying that he agrees with the Commission's recommendations. In holding up the text, you say that it is really a radical document and not just a nicely written piece. If we take it seriously and put together the interlocking recommendations, the Congress should really take it up and pass it and that this is time-sensitive, because if it goes past this fall, nothing is going to happen to this darn thing. I mean, we won't get

going on things until next March, April, or May. That is really the congressional calendar.

I especially appreciate your comments about the jointness and the history of Goldwater-Nichols. And what I appreciate most are your comments about bureaucracies. This is not a slam against anyone, but it is understanding the cultures and how these massive organizations move and don't move and what we need to build into the system in order to motivate them. And it is one short five-letter word. It is "money." Money is the power. That is what is followed. And so I think, Mr. Speaker, and each one of you today, I really appreciate your breaking through this.

Now, you brought up civil liberties, and I think that it is obviously a very key area. It is not something that we have talked a great deal about. We did have some testimony last week. I want to get to the part--it is a small part--but it is I think still an important part about the Commission's recommending the creation of a board within the Executive Branch to oversee this whole issue.

I asked Lee Hamilton this morning if he thought the board should have subpoena power, and he said, to tell you the truth, we never thought about that.

Have you given thought to how this board should really work? I would appreciate your comments on it. I do not want to see something set into any bureaucracy to make us feel

good that we have something with this title. I think that is the worst thing we could do. Not the worst, but I do not think that is really what the intent is, so I welcome your comments.

Mr. *Meese.* Is I may respond initially, Mr. Chairman, I think that such a board, I think the concept is a good one. But I think we already have done this in at least one act since 9/11 by the Congress, and that is setting up such an office within the Department of Homeland Security, for example. Actually, there are four different functions there that deal with this subject. There is a Civil Liberties and Civil Rights Section, which has a specific responsibility. It is a responsibility of the Inspector General. There is ombudsmen for immigration matters, and there is a privacy officer.

I think that it is important to have the function. To have another board in addition to that, certainly we have the similar functions within the Department of Justice which were created in the same act, and so I think to have another board that would deal with this would perhaps be superfluous or even provide conflict on the thing because it would be trying to embrace what is happening over the entire government, if you will.

We have a Civil Rights Commission. We have other types of groups that have this responsibility in each of the

departments, so I am not sure that an additional board as such was needed.

I do think, however, that the civil liberties aspect, generally talking about the Executive Branch, is a proper function for the oversight responsibilities of Congress, and I think that that government-wide responsibility could be better exercised by the Congress than by having yet another board in the Executive Branch.

Mr. *Thompson.* Congresswoman, I would like to just address my comments to the PATRIOT Act, because there is a provision in the PATRIOT Act which calls for the monitoring and even the solicitation of complaints under the Act by the Inspector General, and the Inspector General of the Department of Justice has already submitted a report to Congress with respect to that oversight responsibility which does encompass a lot of civil liberties concerns.

However Congress decides to implement the provision, the recommendation, if you will, of the 9/11 Commission with respect to civil liberties concerns, which are very important, I still diplomatically do not believe there is any substitute for vigorous and robust oversight by Congress with respect to the implementation and the administration of these new authorities given to government under the PATRIOT Act.

Mr. *Boehlert.* Thank you very much. Under prior agreement to accommodate the schedule of the witnesses, we have agreed to adjourn no later than 3:00 o'clock.

The chair will now recognize the newest member of the committee, Ms. Davis.

Ms. *Davis.* Thank you, Mr. Chairman, and thank you gentlemen for being here.

I will try and make my question short. I remember after September 11th that there was a real push and a rush to do something to correct the problem that we had, to make sure that we had a secure homeland and September 11th did not happen again. I think we all know what happened. We created the Department of Homeland Security, which is supposed to be the all that end it all, and was supposed to protect us and make sure we were safe and secure. Some felt it was going to be creating another bureaucracy, which we have talked about today, that we may be creating more bureaucracy. Some were concerned as to why we did not put the FBI and the CIA under the Department of Homeland Security. At that point at least you would have had everything in one spot and maybe we would not be here talking about it now. Who knows? Hindsight, I could not tell you.

But we have talked about structural, cultural, but I have not heard much about technological. Maybe I missed it because I am the new one on the committee, so maybe it has

been said before. I remember after September 11th, in another committee that I am on, when we had the FBI and several other agencies there, and asked them about why they did not share information. The reason was they did not have the technology to be able to share if they wanted to. I have talked to intelligence folks in my district who will pick up the phone with someone in another agency, so by telephone they will communicate. They will call their buddy from the FBI, the CIA, and share information that way, but they cannot do it through technology.

I am not hearing much about that. How are we going to address that problem? We can put a National Intelligence Director in today, but would it solve the information sharing? Anybody want to tackle that one?

Mr. *Boehlert.* General Meese, you made reference to that in your opening statement, so I think you are ideally suited.

Mr. *Meese.* I think this is a very important suggestion, and as I mentioned earlier, a very important aspect of the work that I see for the National Intelligence Director. I think the ability to utilize technology, not just what is available now, but some of the futuristic things that I know Speaker Gingrich has in mind, is very important.

I would suggest that the information technology function under the National Intelligence Director would have as a

first responsibility developing what we would call the architecture for an information system and technological system among the various agencies, so that they would have the ability to communicate with each other, the different systems would be able to communicate with each other, and that any new systems being developed would be compatible with that architecture.

A good example is the need to have the visa granting section in the consular offices around the country in touch with the intelligence community and particularly the terrorist network or the terrorist surveillance center of the FBI, where the watch list is contained, so that that rather far flung element of the government which would not normally be thought about as much, but which is a critical element in terms of stopping people from getting into the country in the first place, would be able to communicate with the other agencies, as well as the kinds of things that we found out were occurring before 9/11, where information was coming in, but it was not being collated and examined in relation to each other.

So I think that information technology and a coordination and compatibility of the various technological devices throughout the intelligence community is absolutely a number one priority.

Ms. *Davis.* General Meese, I agree with that. Do you have any idea what kind of timeline that would take, what kind of dollars we are talking? To me it is something massive, because as I understand it, none of our agencies are compatible.

Mr. *Meese.* Well, some are more compatible today than they were two years ago, but there is still a great need, and quite frankly, money is a part of it, but more than money, there are two other elements that are necessary. One is the creation of an architecture so that there is a blueprint for how these agencies can work together on this and the machinery, the technology can work together. The second, quite frankly, is the cultural change that is necessary by the different organizations being willing to work together.

In a related but separate situation, in one of the largest counties in California, they spent well over a million dollars, which is a lot of money to a county, in terms of developing a combined system for all of their law enforcement agencies, the sheriff, the jails, the police, the courts, the district attorney and the public defender and so on. After two years of effort and more than a million dollars spent on it, they gave up because they could not get the individuals to work together and establish their protocols within the operations of each department so they would work together.

So you need all three things. You need the resources, the money, you need the architecture, and then you need the will and the cultural assimilation within the agencies to make it actually work.

Ms. *Davis.* Thank you, Mr. Chairman.

Mr. *Boehlert.* Thank you.

Well, we are pretty well on schedule. We have seven minutes. Does anyone, for the good of the order, have any compelling question? Mr. Burr, did you have something you wanted to advance?

Mr. *Burr.* I only wanted to ask the Speaker a question because I think the Speaker made a very important statement that I am not sure everybody heard. This is the largest national security challenge in history. I think that that is a statement that sums up exactly what we are faced with.

Mr. Speaker, at what point would you stop altering the liberties that we have, i.e., America changes, or would you keep on going because the threat is that big?

Mr. *Gingrich.* I think General Meese actually captured it earlier when he was a little worried--and I agree with him--that having the Counterterrorism Center report directly to the Director, reduces the Director to be an operator instead of a policy person.

I actually agree with that for this reason. If you were to ask me, in order to avoid a nuclear weapon going off next

to the presidential inauguration in January, would I for 48 hours suspend virtually every civil liberty, the answer is yes, because it is an operational moment in time when the threat is so massive that you literally could lose the entire leadership of the country and a million or more people in one second. So any rational person would say we are not going to go through a long, complicated process here.

If you were to ask me, in order to defeat people who are going to do everything possible to burrow into our system, would I build around the mechanisms of defeat very strong defenses of civil liberty, my answer is equally yes. I have no interest in defending the territory of North America while losing the United States, and the United States is marked by having been endowed by our Creator with inalienable rights. But the greatest of our articulators of that, Abraham Lincoln, suspended habeas corpus when he had to, because the alternative was the collapse of the system which defended habeas corpus, so I think it is an operational question.

Strategically--and I could not agree more--the Congress, the Legislative Branch, has to be the watchdog of our personal freedoms as well as the guarantor of our physical protection.

Now, let me go back to the first part you recorded because you are right, it needs to be said more clearly and more frequently. No society ever has faced weapons of mass

destruction deliverable by individuals, and weapons of mass murder deliverable by individuals, in an age of instantaneous e-mail, cell phones and jet airplanes. And therefore, literally, no country in history has had the level of national security challenge we are now trying to meet.

I would just suggest it would not be harmful for members of Congress to look at the first three years of the Civil War, the two years of American involvement in the First World War, and the first three years of the Second World War, and then the four years when we invented the Cold War, and understand how big the increases in resources and how big the scale of intensity was in each case, because if there is a much bigger disaster than 9/11, we will ramp up, and the challenge to Congress and the President is to ramp up prior to suffering such a disaster.

I want to say one last thing as a former member of this body, and I think it goes back exactly to Congresswoman Eshoo's point. This committee will have earned the right by personal knowledge to walk up to every other member of this House, look them in the eye and say, "This is not about politics, this is not about log rolling, this is not about pork. This is one of the rare moments when the oath we swear on the opening day really matters."

I had to do that as the Republican Whip in a bipartisan effort in 1991 on an up or down vote on whether or not to go

to war. It was the most sober and most solemn experience of my career because I knew we were taking a vote as a result of which young Americans would die. That is what this is about.

This committee, and I would urge you to consider inviting back the members of the 9/11 Commission, and between you and the members of that Commission, in the first two weeks when Congress comes back, educating the members one on one, looking them in the eye, saying, "This is not about your territoriality." This is not about what we used to do. This is not about partisanship. This is about whether or not before we go home we are going to do the right thing so we can look at our children and our grandchildren, and say, "If something bad happens, we did everything we could to stop it."

Sometimes that is what makes this job worth having.

Mr. *Boehlert.* Mr. Speaker, those are eloquent words upon which to close this very important hearing. We are going to fulfill our commitment to have you all out of here by 3:00 o'clock because of your travel arrangements.

We thank you from the bottom of our hearts.

This meeting is adjourned.

[Whereupon, at 3:00 p.m., the committee was adjourned.]