

# ATTACKS ON THE HOMELAND

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## HEARINGS

BEFORE THE

COMMITTEE ON HOMELAND SECURITY

HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

MAY 9, 2013

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## THE BOSTON BOMBINGS: A FIRST LOOK

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Thursday, May 9, 2013

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
WASHINGTON, DC.

The committee met, pursuant to call, at 9:02 a.m., in Room 311, Cannon House Office Building, Hon. Michael T. McCaul [Chairman of the committee] presiding.

Present: Representatives McCaul, King, Broun, Miller, Meehan, Duncan, Marino, Chaffetz, Palazzo, Barletta, Stewart, Hudson, Daines, Brooks, Perry, Thompson, Jackson Lee, Clarke, Higgins, Richmond, Keating, Barber, Payne, O'Rourke, Gabbard, Vela, Horsford, and Swalwell.

Also present: Representative Markey.

Chairman MCCAUL. The Committee on Homeland Security will come to order. The committee is meeting today for the first in a series of hearings examining the Boston bombings of April 15, 2013. I now recognize myself for an opening statement.

The attacks in Boston shook this Nation and brought back memories of that day in September 2001 that changed our lives forever. I am confident that we will emerge from this tragedy stronger than ever before. Anyone who thinks they can execute an attack on this country and change our way of life greatly underestimates our spirit and our resolve.

It is the responsibility of this committee to provide oversight and investigate what happened, what went wrong, and what we can do to better protect American lives. The victims and their families deserve no less. We will never forget April 15, but we must do more than remember. We must hold accountable those who did us harm as well as the terrorists who inspired them. We must also demand more than just answers for any mistakes that were made. We must find solutions so that it does not happen again.

In the chaos following the blasts, the American people, including myself, were amazed at the courage of first responders and civilians who ran towards the explosion instead of running away. These men and women motivate us all to pick up the pieces and to move forward.

Commissioner, we are so honored and proud to have you here today. We applaud you as well as the first responders and law enforcement officers who risked their lives to save others, and we owe all of you a debt of gratitude.

[Applause.]

Chairman MCCAUL. In order to move forward, today we look back. The families who lost loved ones and the over 260 wounded

deserve answers about how this happened and what can be improved in the future. Almost 3 weeks after the smoke cleared on Boylston Street, many questions remain. What we know today is that radical Islamists still threaten our homeland, and while we don't know if this attack was foreign-directed, we certainly know it was foreign-inspired.

Tamerlan Tsarnaev's trip to the Chechen region, the radical videos proclaiming the caliphate that he posted when he returned, and the types of bombs that he and his younger brother used all signal an al-Qaeda-inspired terrorist attack. While mystery continues to surround what happened on the older brother's trip to Dagestan, much can be drawn from what we know about the region. Many Chechen rebels have forged a bond with the al-Qaeda jihadist movement. These lethal warriors have fought side-by-side with al-Qaeda and the Taliban against U.S. soldiers in Afghanistan and Iraq. In fact, my constituent's son, Marine Sergeant Byron Norwood, was killed by nine Chechen rebels in Iraq. Perhaps most appalling are the suspect's reported statements following his capture. These men who hate our values used our freedoms to kill Americans.

Since the bombing, questions have been raised about whether the dots were connected before and after the attack. We know that Russian intelligence warned the FBI about Tamerlan, and that he may travel outside the United States to meet with extremists. We know he was then investigated and interviewed by the FBI. But when he traveled to the Chechen region in 2012, the FBI was unaware. The CIA also received an alert from Russian intelligence, and the agency asked that he be added to a terror watch list.

We now know that DHS was alerted to his trip overseas, but nothing was done. In other words, he was on our radar screen, and then he was off. What remains unanswered is whether this information was shared between Federal agencies and State and local officials.

Almost 9 months after Tamerlan returned, he and his brother, Dzhokhar executed the largest terrorist attack on our soil since 9/11. This demonstrates that the radical jihad movement is alive and well around the world and in the homelands. We learned over a decade ago the danger in failing to connect the dots.

The cornerstone of the 9/11 Commission report was that agencies had stovepiped intelligence which prevented us from seeing potential terrorist plots. In fact, the DHS was created in the wake of 9/11 to help fix this problem. My fear is that the Boston bombers may have succeeded because our system failed. We can and we must do better.

Equally concerning is the emerging narrative which downplays the spread of the global jihadist movement. From the attack at Fort Hood to the tragedy at Benghazi, the Boston bombings are our most recent reminder that we must call terrorism really for what it is in order to confront it. You cannot defeat an enemy you refuse to acknowledge.

I was disturbed in the days following the attack to read that some officials had closed the case on whether there was a foreign connection, when the FBI had just begun its investigation. As a

former Federal counterterrorism prosecutor, this rush to judgment, in my view, was premature and irresponsible.

The American people demand and deserve accountability, and while we investigate what may have gone wrong, we must also pay tribute to what went right. Just as tragedy often exposes weaknesses, it also reveals our character. The acts of heroism in Boston in the minutes and days after the attack made us all proud to be Americans.

With that, the Chairman now recognizes the Ranking Minority Member, Mr. Thompson.

[The statement of Chairman McCaul follows:]

STATEMENT OF CHAIRMAN MICHAEL T. MCCAUL

MAY 9, 2013

The attacks in Boston shook this Nation, and brought back memories of that day in September, 2001, that changed our lives forever. I am confident that we will emerge from this tragedy stronger than ever before. Anyone who thinks they can execute an attack on this country and change our way of life, greatly underestimates our spirit and our resolve.

It is the responsibility of this committee to provide oversight and investigate what happened, what went wrong and what we can do to better protect American lives. The victims and their families deserve no less.

We will never forget April 15. But we must do more than remember, we must hold accountable those who did us harm, as well as the terrorists who inspired them. We must also demand more than just answers for any mistakes made. We must find solutions so that it does not happen again.

In the chaos following the blasts, the American people, including myself, were amazed at the courage of first responders and civilians who ran towards the explosion, instead of away. These men and women motivate us all to pick up the pieces and move forward.

Commissioner, we applaud you, as well as the first responders and law enforcement officials who risked their lives to save others. We owe all of you a debt of gratitude.

In order to move forward, today we look back. The families who lost loved ones, and the over 260 wounded deserve answers about how this happened, and what can be improved in the future. Almost 3 weeks after the smoke cleared on Boylston Street, many questions remain.

What we know today is that radical Islamists still threaten our homeland. While we don't know if this attack was foreign-directed, we certainly know it was foreign-inspired. Tamerlan Tsarnaev's trip to the Chechen region; the radical videos proclaiming the caliphate that he posted when he returned; and the type of bombs he and his younger brother used, all signal an al-Qaeda-inspired terrorist attack.

While mystery continues to surround what happened on the older brother's trip to Dagestan, much can be drawn from what we know about the region. Many Chechen rebels have forged a bond with the al-Qaeda jihadist movement. These lethal warriors have fought side-by-side with al-Qaeda and the Taliban against U.S. soldiers in Afghanistan and Iraq. In fact, my constituent's son, Marine Sergeant Byron Norwood, was killed by nine Chechen rebels in Iraq.

Perhaps most appalling, are the suspect's reported statements following his capture. These men who hate our values used our freedoms to kill Americans.

Since the bombing, questions have been raised about whether dots were connected before and after the attack. We know that Russian intelligence warned the FBI about Tamerlan, and that he may travel outside the United States to meet with extremists. We know he was then investigated and interviewed by the FBI, but when he travelled to the Chechen region in 2012, the FBI was unaware. The CIA also received an alert from Russian intelligence and the agency asked that he be added to a terror watch list.

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Almost 9 months after Tamerlan returned, he and his brother Dzhokhar, executed the largest terrorist attack on our soil since 9/11. This demonstrates that the radical jihad movement is alive and well around the world and in the homeland.

We learned over a decade ago, the danger in failing to connect the dots. The cornerstone of the 9/11 Commission Report was that agencies had “stove-piped” intelligence, which prevented us from seeing potential terrorist plots. In fact, the DHS was created in the wake of 9/11 to help fix this problem. My fear is that the Boston bombers may have succeeded because our system failed. We can and must do better.

Equally concerning is the emerging narrative which downplays the spread of the global jihadist movement. From the attack at Fort Hood, to the tragedy at Benghazi, the Boston bombings are our most recent reminder that we must call terrorism what it is, in order to confront it. You cannot defeat an enemy you refuse to acknowledge.

I was disturbed in the days following the attack to read that some “officials” had closed the case on whether there was a “foreign connection,” when the FBI had just begun its investigation. As a former Federal counterterrorism prosecutor, this rush to judgment was both premature and irresponsible.

The American people demand and deserve accountability. And while we investigate what may have gone wrong, we must also pay tribute to what went right. Just as tragedy often exposes our weaknesses, it also reveals our character. The acts of heroism in Boston in the minutes and days after the attack made us all proud to be Americans.

Mr. THOMPSON. Thank you very much, Mr. Chairman. Thank you for holding today’s hearing, and I want to thank our witnesses for appearing.

This hearing has been billed as a first look at the Boston Marathon bombing. While it is appropriate that we examine the events of April 15, we need to understand and recognize our limitations. First, we must recognize that the events of the day remain under investigation. While we must fulfill our oversight responsibilities under the Constitution, we must be careful not to jeopardize an ongoing criminal investigation. So we must exercise some discretion in our questioning and our statements about these events, the suspects, and theories about links to others who may not be in custody.

Despite these limitations, there is much that we can discuss regarding the Boston Marathon bombing. We can and should discuss the incredible response from the police, firefighters, and emergency medical personnel. Once again, the first responder community ran toward a catastrophic situation when others were running away. So I want to commend the Boston first responders for their bravery and heroic actions, but I also must recognize that as first responders, they demonstrate that kind of bravery every day.

Second, we need to acknowledge the people of Boston and the surrounding area. They not only responded with calm and determination on that day, but in the days that followed, they responded to law enforcement’s call for help by sharing their photographs and videos. That kind of community spirit, the willingness to pull together and lend a hand, is one of the qualities that makes this country a great place.

Additionally, we must recognize the thoughtful and difficult decision by the Governor of the Commonwealth of Massachusetts. Requiring residents to remain in their homes for a few days after the bombing and placing an entire city on lockdown was not easy. But given that the exact nature of the threat was unknown, it was a decision which had to be made.

Finally, we must acknowledge the decision of the Attorney General to immediately refer to the bombing as an act of terror and

send the FBI and other Federal law enforcement to assist in the effort to locate, arrest, and bring to justice those responsible.

Mr. Chairman, as we look at the events of April 15 and the days that followed, we must also look at what happened before April 15. As the Committee on Homeland Security, we must acknowledge that the kind of response that occurred on that day would not have been possible without Federal grant funds. The effectiveness of the response executed by the first responders is a direct result of over a decade of investment and preparedness and response capabilities and exercises supported by the Federal Emergency Management Agency and its targeted Homeland Security grants.

Since 2002, the Commonwealth of Massachusetts and the Boston urban area have received over \$1.3 billion in funding through Federal grant programs. The Commonwealth and the Boston urban area have used these funds to develop the capabilities to prevent, prepare for, mitigate the effect of, respond to, and recover from natural disasters and terrorist attacks like the Boston Marathon bombing. Anyone who has doubts about the value of Federal grant dollars should be reminded of the brave actions of the first responders on April 15.

So as this Congress continues to cut funding for these programs, I hope my colleagues on the other side who are Members of the committee will oppose these cuts. Refusal to support these funding cuts will be the greatest tribute any of us could make to the people of the Boston area.

Mr. Chairman, I also recognize that in addition to the positive effects of Federal grant funding, the Boston bombing also revealed some negatives that we cannot ignore. We cannot ignore that, once again, it has taken a tragedy to reveal problems in our vast, varied, and numerous Federal databases. We faced a similar problem of a faulty database in a Christmas day bombing incident. Now we learn that there were database problems which made it possible for one of the bombing suspects to re-enter the country after a trip to Russia. It is time to recognize that we must develop a way to fix and integrate the various databases.

We must also realize that in the Federal Government, no one agency or entity has the responsibility and authority to scrub and integrate these vast systems that contain records on millions of people. Congress cannot continue to complain about the failure of the databases without giving the authority and the funding to one agency to fix these problems. I guarantee you that if we fail to act, we will be discussing this issue again.

But that is not the only issue we must act upon. Mr. Chairman, in response to the events of September 11, Congress enacted the Terrorism Risk Insurance Act of 2002. That measure increased availability of terrorism risk insurance for at-risk American businesses by guaranteeing that the Government would share some of the losses with private insurers should a terrorist attack occur. That act is set to sunset in 2014.

Today I am introducing a bill that would not only extend the act, but would add some needed improvements. I urge my colleagues on this committee to co-sponsor this act. We must recognize that small businesses and others that suffer an economic loss due to a ter-

rorist act should not have to shoulder the burden alone and should not have to rely on the kindness of charity.

Finally, Mr. Chairman, as we take the first look at the Boston bombing, I hope we do not fall into a pattern of reaching conclusions before all the facts are known. At this point in the investigation speculation about the motivations of the suspects and the role of external influences seem to change daily. We all want to know the answers and are attempting to, are tempted to, reach our own conclusions, but everywhere I read, for everything, there is a time and a season. This is not the time and the season has not yet come, but it will arrive shortly.

So I look forward to our second look, Mr. Chairman, where we can receive testimony from representatives of the intelligence and investigative agencies that may serve to answer many of our questions about motivations, the suspects, and external influences.

Again, I want to thank the witnesses for appearing today, and I yield back.

[The statement of Ranking Member Thompson follows:]

STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

MAY 9, 2013

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So, as this Congress continues to cut funding for these programs, I hope my colleagues on the other side of the aisle who are Members of this committee will oppose those cuts. Refusal to support these funding cuts would be the greatest tribute any of us could make to the people of Boston.

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I urge my colleagues on this committee to co-sponsor this act. We must recognize that small businesses and others that suffer an economic loss due to a terrorist act should not have to shoulder that burden alone and should not have to rely on the kindness of charity.

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Chairman MCCAUL. I thank the Ranking Member. Let me just say as a former Federal prosecutor I always reserve judgment until all of the evidence is in on the case. With respect to grant funding, I met with the Boston Fire Commissioner yesterday who told me if it wasn't for the Department of Homeland Security grant funding that helped them with their training exercises and response exercises, that it could have been a different situation, and that that helped in saving, I think, many American lives.

So, with that, let me just say we are pleased to have the witnesses here today on this important topic. Our first witness, no stranger to the Congress, our friend and colleague, Senator Joseph Lieberman. We all know he represented the State of Connecticut in a very distinguished way in the United States Senate from 1989 to 2013. In the months after September 11, he led the fight to create the Department of Homeland Security which led to the creation of this committee and the Senate Homeland Security Committee, which he chaired until his retirement from the Congress earlier this year.

With that, I thought it would be appropriate for my fellow colleague and friend from the Boston area, he has one of the best districts probably in the country, the Boston area, and he also represents Watertown, and I thought it would be appropriate for him to introduce the police commissioner and Mr. Schwartz.

Mr. KEATING. Thank you, Mr. Chairman. I haven't hit Watertown. Most of the State I have represented at one time or another, but thank you, Mr. Chairman, thank you, Ranking Member.

I just have the pleasure of introducing Boston Police Commissioner Ed Davis. In 2006 Commissioner Davis was appointed by Boston Mayor Tom Menino to be the 40th police commissioner in the city of Boston. In this role he oversees police services for over half a million people, along with all those visitors that come into the great city.

Mr. Davis I knew before he was commissioner because of his work in Lowell. He worked with the Lowell Police Department for decades. He also was a leader in using that position to bring different layers of law enforcement and officials together working in a task force with major cities. He was the superintendent of the office in Lowell in 1994 and during this period, he was recognized for reducing the crime rate in Lowell quicker than any other superintendent in America with over 100,000 residents.

Most recently, Mr. Davis led the police department's response to the Boston Marathon bombings on April 15. The heroic actions and the quick thinking of the men and women under Mr. Davis' leadership as well as the National Guard, Fire Department, first responders, and civilians and extraordinary medical community that we have in Boston led to the survival of 17 critically-injured civilians on that fateful day.

I also want to note during his leadership that he kept first and foremost in his mind the four victims that lost their lives, Lingzi Lu, Martin Richard, Krystle Campbell, and Sean Collier. He demonstrated extraordinary leadership and I want to thank you for that, Commissioner, and we are pleased to have you here today.

Another friend of mine, Kurt Schwartz, is the under secretary of the committee in Massachusetts. He has been a person who has just done extraordinary work in so many different regards. He was an EMT himself, he was a police officer himself, and he has served so many different important positions in Massachusetts at times of crisis and emergency. In the Homeland Security Emergency Management in the Executive Office of Public Safety and Security in 2007, he was the leader. He also serves as the director of our MEMA agency, as well as the homeland security advisor for Governor Patrick in the State.

He has had a long history of service to the Commonwealth and he has also been under secretary for law enforcement and fire services under Governor Patrick as well. Further, he has worked for 8 years under the Attorney General where he worked with district attorneys and other law enforcement officials like myself. For the 5 years as chief of the Criminal Bureau and the 12 years as assistant district attorney in Middlesex County, he, again, expanded a resume that is rich and deserved.

This doesn't really include the full picture of Kurt Schwartz. He is a man who brought people together. Most recently, Under Sec-

retary Schwartz played a critical role in emergency planning and response to the Boston Marathon attacks. He oversaw and participated in many of the training exercises which aided in the response so successfully on April 15 and further managed Governor Patrick's shelter in place ordered or the lockdown for the city of Boston. This aided in the successful apprehension of the suspects and also saved possible damage for their other actions that they had contemplated.

I want to thank both of these gentleman for being here. I have been proud to work with you personally, and you are to be both thanked for what you have done to save lives in this terrible tragedy that hit us in Boston. Thank you.

Chairman McCAUL. I thank the gentleman from Massachusetts.

Our final witness is Professor Erroll Southers. Mr. Southers is the associate director of the National Homeland Security Center for Risk and Economic Analysis of Terrorism Events at the University of Southern California. Thanks for being here today. Mr. Southers formerly served as deputy director in California in the Office of Homeland Security.

The witnesses' full statements will be made part of the record. The Chairman now recognizes Senator Lieberman for his 5-minute opening statement.

**STATEMENT OF HON. JOSEPH I. LIEBERMAN, FORMER  
SENATOR, STATE OF CONNECTICUT**

Mr. LIEBERMAN. Chairman McCaul, Ranking Member Thompson, and Members of the committee, thanks very much for inviting me to testify and for giving me the honor of doing so alongside Commissioner Davis, Secretary Schwartz, and Professor Southers.

As the Chairman was kind enough to say, after the terrorist attacks on America on 9/11/01, I was privileged to work with colleagues in both Houses, both parties, and the Executive branch to enact the most comprehensive reforms of our National security system since the beginning of the Cold War in the late 1940s, and that was appropriate because as a result of 9/11, we entered a new phase of our security history against a very unconventional enemy. I am grateful that the reforms we adopted and the organizations we created have worked very well to protect the American people from terrorist attack since 9/11. But, as we saw in Boston, they are not perfect. Here is the record in brief.

Since 9/11, no terrorist plot planned and launched from abroad against our homeland has succeeded. At least 65 home-grown terrorist plots have been stopped. That is a remarkable record and a tribute to the men and women, civilian and military, public and private, who have devoted their lives to keeping us safe. But the reality is that three terrorist attacks, all home-grown, have succeeded: Carlos Bledsoe, who killed an Army recruiter in Little Rock in 2009; Nidal Hasan, who killed 13 at Fort Hood later that same year; and now the Tsarnaev brothers who killed 4 and severely wounded many more in Boston less than a month ago.

The Boston attack was, in fact, the first successful terrorist attack, foreign or home-grown, on civilians, nonmilitary personnel, in America since 9/11. Could it have been prevented and stopped? Well, from what I know of the facts in Boston, and none of us know them all at this point, and from what I have learned over the years

about home-grown Islamist terrorism, I believe that though it would not have been easy, it was possible to have prevented the terrorist attacks in Boston. In a literal sense, the homeland security system we must acknowledge that we built after 9/11 to protect the American people from terrorist attacks failed to stop the Tsarnaev brothers. With your help, we must find out why and fix it.

I remember a leader in our homeland security system nationally once said to me that terrorists can keep coming at us and they only have to succeed once. We have to stop them every time, and that is almost impossible, but that is the standard our homeland security defenders hold themselves to and we have to as well. That is why I am so grateful you have begun this investigation. I think you have got to go back step by step, pull it apart, and ask: What more could the public and private individuals involved here have done to prevent this? If I may respectfully offer four brief points of counsel.

The first is that in today's political environment whenever there is a Governmental failure, there is also the risk that the administration in power will become defensive and not share information and that Congress will be divided by partisan politics and lose sight of its overriding mission which, of course, is to protect the American people from the next planned terrorist attack. I hope and believe that this Congress and this administration will not let that happen this time.

Second, the Boston Marathon attacks should, again, teach us that the enemy we face is violent Islamist extremism, not just al-Qaeda. Osama bin Laden is dead, and the remaining leadership of al-Qaeda is on the run, but the ideology of violent Islamist extremism is rapidly spreading.

We don't know yet whether the Tsarnaev brothers were involved with any foreign group, but we do know that they adopted the outrageously false narrative of violent Islamist extremism, that Islam and America are involved in a struggle to the death with each other. That fact compels us to ask again how this ideology and radicalization to it can be countered and ultimately stopped. The leaders and members of the world's Muslim communities, including our own fellow Americans who are Muslim, probably have the greatest capacity to do the most important work of counter-radicalization, but the rest of us have a responsibility to help.

No. 3: Prior to 9/11, Mr. Chairman, as you have said, there was too little sharing of information about terrorist threats among Government agencies, and therefore, the so-called dots could not be connected because they weren't even on the same board. Our post-9/11 reforms aimed to overcome that serious problem, and to a significant degree, they did.

In fact, today there is so much information being shared on the same metaphorical boards by Governmental agencies that the larger problem for our homeland security personnel may be being able to separate the wheat from the chaff, to identify the most important dots on the board so that they can be connected.

That may have been a big part of the problem in the Boston case. I urge you to try to determine whether it was, as well as to ask whether lingering failures to share information, in this case, particularly by the FBI and the Department of Homeland Security,

made it more difficult to prevent the Boston attack. It may be that the most damaging failure to share information was committed by the Russian intelligence service whose original inquiries to the FBI and CIA were quite vague and apparently whose knowledge of what Tamerlan Tsarnaev did in Dagestan and Chechnya last year was not really conveyed to our Government in any degree until after the Boston Marathon attacks.

However, we have still got to ask, and I hope you will: Shouldn't the fact that the first notice of Tamerlan Tsarnaev's possible radicalization came to us from a very uncommon source, Russian intelligence, have marked the case for special handling by our Government, and guaranteed that this file would not be closed?

Were the original FBI interviews of Tamerlan Tsarnaev adequate to determine whether he was likely to radicalize to violent Islamic extremism? Was the FBI investigation curtailed by existing Attorney General guidelines on such investigations, which go back to the previous administration? Did the FBI enlist the help of State and local law enforcement, either on or off the Joint Terrorism Task Force in Boston to continue to watch Tamerlan engage with his friends, associates, and community leaders and monitor his internet activities for the purpose of assessing whether he was radicalizing even further? Why didn't the Department of Homeland Security notify the FBI and the Boston JTTF when its system pinged that Tamerlan Tsarnaev had returned from Dagestan and Chechnya?

Finally, fourth, when it comes to preventing home-grown terrorists from attacking us, our Homeland Security agencies cannot do it alone. The Government needs the help of the American people. If people see something suspicious, they must say something to our Government.

In this case, there were people who clearly could have prevented the massacre at the marathon by just saying something. Most obvious are the three friends of Dzhokhar Tsarnaev that have been arrested. Certainly they should have told police what they saw and heard instead of allegedly obstructing justice. It is also true that the leaders and members of the Boston mosque that threw Tamerlan out because of his extreme views could have said something to the police, and even done something to counter his radicalization. Even members of the Tsarnaev family, including Tamerlan's wife, could have saved lives, including Tamerlan's, if they had said something or asked someone for help.

Mr. Chairman, Ranking Member, the cost of silence as we learned again on April 15 can be enormous, as enormous as the cost of not aggressively carrying out the post-mortem investigations that you in Congress and the administration have now begun. I thank you for that, and I will do anything I can to help you in this investigation, beginning with answering your questions this morning.

[The prepared statement of Mr. Lieberman follows:]

PREPARED STATEMENT OF SENATOR JOSEPH I. LIEBERMAN

Chairman McCaul, Ranking Member Thompson, thank you for inviting me to testify and for giving me the honor of doing so alongside Boston Police Commissioner Edward Davis and Massachusetts Under Secretary for Homeland Security Kurt Schwartz.

After the terrorist attacks on America on 9/11/01, I was privileged to work with colleagues in both houses, both parties, and the Executive branch to enact the most comprehensive reforms of our National security architecture since the beginning of the Cold War in the late 1940s. The attacks of 9/11 forced America into a new war with a very different kind of enemy that required us to develop new offensive and defensive capabilities.

I am grateful that the reforms we adopted and new organizations we created have worked well to protect the American people from terrorist attacks but, as we saw in Boston, they are not perfect.

Since 9/11, no terrorist plot planned or launched from abroad against our homeland has succeeded. That is a remarkable record and is a testament to the commitment of the men and women—both civilian and military—who have devoted their lives to keeping us safe.

Since 9/11, at least 65 home-grown terrorist plots planned and launched right here in the United States have been stopped. But three have succeeded in that at least one American was killed—Carlos Bledsoe killed an Army recruiter in Little Rock in 2009; Nidal Hasan killed 13 at Fort Hood later that same year, and now the Tzarnaev brothers killed 4 and severely wounded many more in Boston during the week of April 15, 2013.

The Boston attack was the first successful terrorist attack—either home-grown or launched from abroad—on a non-military target in America since 9/11. From what I know of the facts and what I know about home-grown Islamist terrorism and our efforts to prevent it, I believe it would have been hard—but not impossible—to have stopped the Tzarnaev brothers before the attacks.

To put it bluntly, our homeland defense system failed in Boston. With your help, we must find out why and fix it.

As you know, the 9/11 Commission concluded that our Government's most significant failure that helped make those attacks possible was a failure of imagination—we could not imagine that an Islamist terrorist organization operating out of Afghanistan would have the intent and capability to send 19 men to the United States to hijack four airliners with the purpose of crashing them into buildings and killing as many innocent Americans as possible.

We cannot say there was the same failure of imagination regarding the Boston attacks. A home-grown terrorist attack on a large public event just like the one in Boston had been a concern of Federal, State, and local law enforcement for years, and especially since the London transit bombings in 2005 when four individuals living legally in the United Kingdom planted bombs on busses and trains killing 52.

In the aftermath of those attacks, the law enforcement and intelligence communities as well as Congress tried to determine the extent to which similar attacks might happen here. At the time of the 2005 London bombings, the conventional wisdom was that America was relatively immune from such attacks because we did a better job assimilating and integrating immigrant communities. It was widely believed that young men in the United States—and it is nearly always young men between the ages of 18 and 35 who are involved—felt more accepted here than their peer groups did in Europe and could self-identify as both American and Muslim.

In contrast, according to this view, in communities in Europe where the threat of home-grown Islamist terrorism was greater, there was a tendency for young immigrants to feel isolated and alienated. The result was an identity crisis that left disenfranchised young men looking for answers about who they were and how to solve the personal problems they were facing.

The solution they were looking for occasionally arrived in the form of violent Islamist extremism (VIE), an ideology that provided an identity but also an ideology that justified violence against those they thought responsible for their problems. The ideology of VIE includes some or all of the following tenets:

- A global state—or caliphate—must be re-established in which the most radical interpretation of Shari'ah (Islamic religious law) will be adopted and strictly enforced;
- Adherents of VIE should be loyal to the global Islamist community—the ummah—rather than the community or country in which they live; and
- The tactic of choice to restore the caliphate and hurt those responsible for global and/or specific regional Muslim suffering was and remains acts of terrorism against any meaningful target, regardless of whether it be military or civilian.

In the years before and immediately following 9/11, America's ability to assimilate and integrate immigrant communities proved to be our best defense against home-grown attacks inspired by VIE.

But those defenses began to fail as al-Qaeda and other Islamist terrorists organizations turned to the internet. Al-Qaeda leadership, with the help of its English language spokesperson American Adam Gadahn, began disseminating videos and other

messages on-line targeting potential recruits inside the United States. Chatrooms and other on-line fora emerged as platforms where VIE sympathizers all over the world, including here in the United States, could connect and build networks. Increasingly, VIE sympathizers could find material that provided instructions to actually carry out a home-grown attack. One of the most prominent examples of such operational material is al-Qaeda in the Arabian Peninsula's (AQAP) on-line magazine *Inspire*, which was written in part by an English-speaking American named Samir Khan and included instructions in how to build bombs like the ones used in the Boston bombings. Dzhokhar Tzarnaev has apparently told authorities that he and his brother learned how to build the bombs they used by following the instructions in *Inspire*.

As VIE spread on the internet and bypassed America's traditional defenses, our law enforcement and intelligence communities grew increasingly concerned that we would also face a growing home-grown threat. A July 2007 National Intelligence Estimate entitled *The Terrorist Threat to the U.S. Homeland* stated:

"[T]he spread of radical—especially Salafi—Internet sites, increasingly aggressive anti-U.S. rhetoric and actions, and the growing number of radical, self-generating cells in Western countries indicate that the radical and violent segment of the West's Muslim population is expanding, including in the United States. The arrest and prosecution by U.S. law enforcement of a small number of violent Islamic extremists inside the United States—who are becoming more connected ideologically, virtually, and/or in a physical sense to the global extremist movement—points to the possibility that others may become sufficiently radicalized that they will view the use of violence here as legitimate."

FBI Director Mueller testified that same year at a hearing on the sixth anniversary of the 9/11 attacks that "al-Qaeda [was] also inspiring individuals with no formal links to the group. The threat of home-grown terrorists or extremists, acting in concert with other like-minded individuals, or as lone wolves, has become one of the gravest domestic threats we face."

An attack like the Boston bombing has been a concern for the U.S. Government for years. In fact, we have not only been concerned about the possibility of such attacks, we have made considerable efforts to understand why and how individuals become radicalized, why some terrorists succeed and others do not, and, most importantly, what we can do to prevent homegrown terrorism.

Unlike 9/11, the ability of the Tzarnaev brothers to plan, arm themselves, and carry out the bombings without detection right here in the United States was not the result of a failure of imagination. Rather an attack like this had been predicted for years, which leads me to conclude that the success of these attacks was the result of errors made within our existing homeland security system—both public and private—and by a failure to do enough at the Federal, State, and local levels to counter home-grown terrorism inspired by VIE in the first place.

After the Fort Hood shootings in 2009, Senator Collins and I launched an investigation in which we had two key lines of inquiry that I think are relevant here. We started with an assessment of the information the Government had prior to the Fort Hood attacks and the actions it took or failed to take in response to that information. And then we asked what additional steps are necessary to protect against future home-grown terrorist attacks inspired by the ideology of VIE.

With regard to the first line of inquiry, it is still too early to determine which mistakes were made in the run-up to the Boston attacks, but it is not too early to ask some direct questions that demand answers, including the following:

(1) Should the fact that the first notice we received of Tamerlan Tzarnaev's radicalization was from the Russian intelligence service have warranted special handling or guaranteed that his file would not be closed too soon? Experts who have studied homegrown Islamist terrorism have found that those who had prior relationships with Islamist terrorists overseas were more likely to succeed in planning and carrying out an attack at some point. It is also often the case that those with foreign contacts who travel overseas are more likely to come to the attention of law enforcement and the intelligence communities. That happened here, but the FBI did not act on that notice and the foreign travel and contacts by Tamerlan were, for some reason, not enough of a collective red flag to warrant more attention from our homeland security personnel.

(2) Were the FBI's interviews and surveillance of Tamerlan adequate to determine that he was not a candidate to radicalize to the point of wanting to commit a terrorist attack? Radicalization is, after all, a process and it is possible Tamerlan was not yet considering violence when the FBI interviewed him. Nevertheless, did the FBI interviewers know what to look for in terms of the radicalization process? Did they consider whether Tamerlan might fit the profile

of an emerging home-grown terrorist who warranted greater monitoring and surveillance?

(3) Did the FBI enlist the help of State and local law enforcement, either on or off the JTTF, to continue to watch the brothers, engage with their friends, associates, and community leaders or monitor their internet activities—including Tamerlan Tsarnaev’s YouTube account, which openly recommended a collection of jihadist videos—for the purpose of assessing if either or both of the brothers were radicalizing? The FBI does not have the resources or personnel to monitor all potential terrorist threats in this country and must rely on State and local law enforcement, which, as Commissioner Davis and Secretary Schwartz will tell you, know their communities best and are proven force multipliers in efforts to prevent terrorist attacks, particularly home-grown attacks.

(4) Did the FBI and specifically the JTTF in Boston enlist the help of the local Muslim community in assessing whether Tamerlan was likely to radicalize? Did the FBI or local law enforcement have sufficient relationships within the local Muslim community to make that request? Or was there a wall that prevented the local Muslim community from assisting law enforcement with its assessment of whether Tamerlan might become a threat?

(5) Why didn’t the DHS notify the FBI and the Boston JTTF when its system “pinged” that Tamerlan Tzarnaev had left America for Russia on his way to Dagestan? As this committee knows, JTTFs are units in FBI field offices that conduct counterterrorism investigations primarily in their areas of jurisdiction. The failure of JTTFs to share critical information made it possible for Nidal Hasan to carry out the attacks at Fort Hood. Did something similar happen here? Had the Boston JTTF known about Tamerlan’s departure and lengthy stay in Dagestan, would they have taken a second look at his potential ties to Islamist terrorists?

As for the second line of inquiry, I hope your committee will also ask what other programs or policies could protect the United States from future home-grown terrorist attacks while also not violating First Amendment rights of free speech and free exercise of religion. The case of Zachary Chesser, a U.S. citizen now serving a 25-year sentence for material support for terrorism, illustrates some of the challenges law enforcement faces in these cases. Just before turning 19 in 2008, Chesser, a Virginia native, started posting on Anwar al-Awlaki’s blog and the following year, he created his own website—*themujahidblog.com*, which he dedicated to “those who give their lives for this religion.” Despite Chesser’s postings and declared allegiances to VIE, there was little law enforcement could do. It was not until 2010 that Chesser had taken enough steps to be arrested for material support for terrorism. From the initial reports about the FBI’s investigation into Tamerlan Tzarnaev, it appears they were forced by internal rules and guidelines to stop watching Tzarnaev even though he was arguably a prime candidate for radicalization.

We must find ways to stop the spread of VIE and stop the radicalization process even if no crime has been committed. That is one of the primary policy challenges before us as we try to identify ways to prevent an attack like the one in Boston from ever happening again.

The key to making that happen is a “whole-of-society” approach rather than just relying on the law enforcement and intelligence communities. Such an approach has been discussed and debated for some time now and strategies have even been written and released by the current and the previous administrations. If we are to move beyond the strategies and take steps that will fill the gap between support for VIE and the planning and carrying out of an attack, I believe the following are necessary steps:

(1) *Recognize that the Enemy is al-Qaeda and Violent Islamist Ideology.*—In a prescient passage, the 9/11 Commission explained:

“Our enemy is twofold: al-Qaeda, a stateless network of terrorists that struck us on 9/11; and a radical ideological movement in the Islamic world, inspired in part by al-Qaeda, which has spawned terrorist groups and violence across the globe. The first enemy is weakened but continues to pose a grave threat. **The second enemy is gathering, and will menace Americans and American interests long after Usama bin Laden and his cohorts are killed or captured.** Thus, our strategy must match our means to two ends: dismantling the al-Qaeda network and prevailing in the longer term over the ideology that gives rise to Islamist terrorism (emphasis added).”

The first step in a whole-of-society approach is to recognize that our enemy is more than just al-Qaeda and other franchised Islamist terrorist organizations around the world. It is, as the 9/11 Commission told us also the ideology of VIE.

And when law enforcement is unable to arrest an individual who might be subscribing to this ideology, it is incumbent on others in our society to intervene. This burden disproportionately falls on the Muslim-American community, which is often in a much better position to identify individuals who are espousing the ideology of VIE.

(2) *Understanding the Radicalization Process.*—The second step in the whole-of-society approach is to understand the process by which an individual transitions becoming an Islamic terrorist.

Many news stories have been written about the personal challenges of the Tzarnaev brothers and though the details of their lives might be unique, the radicalization process that turned them into terrorists is not. In 2007, the New York City Police Department (NYPD) released a seminal report titled *Radicalization in the West: the Homegrown Threat*.

Recognizing that more plots against America since 9/11 had in fact been home-grown rather than from overseas, NYPD set out to document the radicalization process, which they broke down into four stages: (1) Pre-radicalization, (2) self-identification, (3) indoctrination, and (4) jihadization. The affinity for VIE accelerates during the self-identification phase when a young man experiences a personal crisis or crises and feels alienated from his local community. He then connects their personal grievances to one of the many global grievances championed by violent Islamists around the world, which leads to a sense of renewed purpose and a mission: To advance the cause of VIE by planning and carrying out a terrorist attack against an American target and those targets are increasingly in the United States.

Law enforcement, community leaders, and anyone in authority who might come in contact with an individual embracing VIE must become familiar with the radicalization process so that they know if and when there might be a problem that warrants intervention, which is the most effective ways to stop the next home-grown terrorist attack.

(3) *Information Sharing Must Continue to Improve.*—Prior to 9/11 there was too little sharing of information about terrorist threats among Government agencies and therefore the so-called dots could not be connected because they were not on the same board. The post-9/11 reforms sought to overcome that serious problem and, to a significant but not total degree, they have. In fact, today there is so much information being shared on the same board that the larger problem for our homeland security personnel often may be seeing the important dots so that they can be connected. That may have been the problem in this Boston attack. I urge the committee to examine the extent to which that problem as well as lingering failures to share information made it more difficult to prevent the Boston attack.

(4) *Local Law Enforcement.*—Defending the American people from overseas threats is the first responsibility of the Federal Government. The unique challenge of VIE is that it is an overseas threat that, with the help of the internet, can bypass our National security infrastructure and find receptive audiences inside the United States. Even with the significant resources the FBI has committed to counterterrorism, including setting up more than 100 JTTFs around the country, there are simply not enough Federal law enforcement personnel on the streets and in communities to identify and prevent VIE radicalization and terrorism.

That gap must be filled by local law enforcement. Local law enforcement personnel know the communities they serve better than anyone else and are present in those communities every day.

There are two key ingredients to making local law enforcement a more effective counterterrorism force, especially with regard to stopping home-grown radicalized terrorists like the Tzarnaev brothers.

The first is education. As part of their training, local law enforcement personnel should become familiar with the basic tenets of VIE and the radicalization process. The second is relationships. As part of their day-to-day responsibilities, local law enforcement personnel are already in the business of building relationships with leaders in the communities they serve, but now there must be a premium on building relationships with leaders of local Muslim-American communities.

The NYPD has done this well, and so has the LAPD. The LAPD's approach to working with Muslim-American communities, as it was explained by Deputy Chief Michael Downing to the Senate Homeland Security Committee in 2007, is relevant and instructive:

“In the LAPD, we believe that no amount of enforcement or intelligence can ultimately prevent extremism if the communities are not committed to working with law enforcement to prevent it. Muslim-American neighborhoods and communities have a genuine responsibility in preventing any form of extremism and terrorism. If the broader communities are intolerant of such things, these ideologies cannot take root. We need to show our belief in human dignity, the family, and the value of the individual, and that community policing initiatives in Muslim communities should aim to create a shared sense of threat. Society as a whole fears the indiscriminate mass violence we are seeing around the world, and only when community leaders support this effort will there be a flow of credible intelligence.”

(5) *See Something, Say Something*.—Early intervention in the radicalization process must just be one part of a National “See Something, Say Something” effort. Our very good record of stopping home-grown terrorist plots before they are carried out is due in many instances to an alert member of the public. “See Something, Say Something” must become an integral part of our counterterrorism efforts so that the first instinct of family and friends or associates of Dzhokhar Tzarnaev who have been indicted for obstruction of justice would be to call law enforcement rather than help those who are radicalized or have become fully radicalized.

“See Something, Say Something” is most important for leaders and members of Muslim-American communities around the county for they are often in the best position to identify early stages of radicalization. Would the Tzarnaev brothers have been able to carry out the attacks if leaders and members of the Boston mosque that threw Tamerlan out because of his extremism had said something to the police and done something to counter his radicalization?

The cost of silence, as we learned again on April 15, can be enormous, as enormous as the cost of not doing the post-mortem investigations that Congress and the Executive branch have now begun.

Chairman McCaul and Ranking Member Thompson, thank you again for the opportunity to testify today and I look forward to helping the committee in any way I can as you move forward with the investigation.

Chairman MCCAUL. Thank you, Senator. Thank you for your service to our Nation on National security issues, homeland security issues. We look forward to working with you. We also are open to your advice and counsel. I think you raised some excellent questions and excellent points.

The Chairman now recognizes Commissioner Davis. Again, let me just say that your actions and the people of Boston made us all proud to be Americans. With that, I recognize you for an opening statement.

**STATEMENT OF EDWARD F. DAVIS, III, COMMISSIONER,  
BOSTON POLICE DEPARTMENT**

Commissioner DAVIS. Thank you, Mr. Chairman. It was truly a team effort.

Chairman McCaul, Ranking Member Thompson, distinguished Members of the committee, thank you for inviting me here today to discuss the tragedy that occurred in Boston on Patriot’s Day when two cowardly brothers laid siege to one of Massachusetts’s most venerated traditions, the Boston Marathon. I am here as the commissioner of the Boston Police Department, but I also speak on behalf of Mayor Thomas Menino, the Mayor’s emergency management staff, and law enforcement from across the State and across the Nation when I describe our cooperative response to these attacks and what they did to our community.

I would like to point to the four people who were killed in this attack. They are indicative of who was there at that event that day. We have 8-year-old Martin Richard who was there with his

mother and sister, and his father had just run by completing the marathon when the blast went off.

We have a Boston University graduate student, Lu Lingzi. She was finishing her studies and was there with friends right next to Martin when that bomb went off; we have a restaurant manager, 29-year-old Krystle Campbell, who stood with her friends and was at the finish line when the first explosion occurred and lost her life there; and a few days later we have officer Sean Collier who was sitting in his cruiser in Cambridge when these two brothers came up and assassinated him, a young man that had committed his life to law enforcement, a young man who was about to go on the Somerville Police Department. These individuals turned the city upside down. The impact on Boston will last for years. The Boston Marathon will come back stronger next year, but it will never happen again without the memory of this tragic event.

But out of that tragedy and out of that terrible experience, comes an enormous amount of strength on the part of the community. It was alluded to earlier in conversations, but the medical people who staffed the tents at the finish line, they were there to treat people with blisters and exhaustion, and instead they ended up being thrown into a battlefield scenario treating injuries that were horrendous. If it wasn't for the actions of my police officers, firefighters, EMS people who responded to the scene and those medical people from the tents that ran down the street, the death toll would be much higher.

So that kind of response is indicative of what happened in the city of Boston. I think it underlies this whole conversation of how Boston is strong. It involved the BAA who runs the event, it involved spectators, businesses in the downtown area, especially in the Back Bay area that were shut down for over a week because of the evidence processing that had to happen. The amount of charitable giving that occurred there, the patience that people had was spectacular. The cities and residents of Boston, Cambridge, and Watertown cooperated with us. When the mayor and the Governor made the decision to shut the city down, that was the right decision to make based on the information that we had at 3 or 4 o'clock that morning, and the residents fully cooperated, which was astounding.

Boston is a stronger city because of this, and I hope that the people who commit these atrocious acts understand that there is a futility in their efforts. The city is back on its feet. We will never forget the people that you see to my left, but I will tell you that they had no effect on the city of Boston except to make us a stronger community.

One of the things that has been much discussed here is the information sharing that occurred before and after this incident. I can't tell you how much I appreciate the cooperation of the FBI, the Alcohol Tobacco and Firearms, the Massachusetts State Police, and all of the help that they gave us when this happened. In the seconds after I was notified of this, the very first phone call I made was to Rick DesLauriers, the SAC of the FBI in Boston. Him and Tim Alvin, the Colonel of the State police, were my go-to people because we needed SWAT assets and EOD assets in the downtown expecting that a further incident would happen.

They responded immediately and gave us all the equipment available in Massachusetts to respond to this thing. They were literally there within 30 minutes. The first victims were evacuated within 22 minutes, and within 30 minutes, we had every SWAT team in the Commonwealth either on-site or on the way to Ring Road, which is where we had our first meeting and command post.

The information sharing that we did before-hand to prepare for the marathon was good. We certainly need to look at everything we did, and the Senator's comments are well taken. Everything that we did has to be reviewed so that we make sure that this does not happen again, and we are in the process of doing that. But until all the facts are out on the table, it is hard to say what we could have done differently. But I am satisfied with the preparation that we put in place.

After 9/11, I met with Director Mueller from the FBI with several police chiefs, just 2 or 3 days after the incident, and he committed to including us in the JTTFs, and he has been good to his word. This is not a perfect process, but we are real members of that organization. I have three detectives and a sergeant that are at the JTTF every day and working very closely with the Bureau.

We certainly need to enlist the community better. The points about identifying radical extremism and ferreting that out, the first thing that we need to do is go to the community. We need to explain to the community that they have a responsibility to their community and to their Nation and to what is right to report the kind of activity that these brothers were involved in prior to the incident. I think that is the first line of defense.

There is going to be a lot of conversation about cameras and other technical means. There is no technical means that you can point to, there is no computer that is going to spit out a terrorist's name. It is the community being involved in the conversation and being appropriately open to communicating with law enforcement when something awry is identified, that really needs to happen.

So that should be our first step. Do we have to look at cameras? Sure we do. Do we have to look at more bomb dogs? Do we have to look at utilizing the assets that the Department of Homeland Security and the Federal Government have provided us? We do have to do that, and it is really important.

The training that you alluded to, Mr. Chairman, it is extremely important. It made all the difference in the world in our response here. People are alive today because of Urban Shield and the terrorism training that the Department of Homeland Security provided to us, there is no doubt about that, and further investment needs to be made in those things.

Moving forward, the help of the Federal Government was critical to our response here. We need to look at how it happened and why it happened, and we need to do everything we can to prevent it. But the truth of the matter is, nobody bats 1,000, and I think as a Nation, we need to come to terms to it and do everything we can to prevent it, but also recognize that fusion centers and intelligence analysis and Joint Terrorism Task Forces are part of our future.

Boston is an international city and we derive an enormous benefit from the people who come to Boston for school and for hospital care and just to be part of our community, but the world is a dan-

gerous place and I think we need to recognize that and be prepared for it.

Thank you, sir.

[The prepared statement of Commissioner Davis follows:]

PREPARED STATEMENT OF COMMISSIONER EDWARD F. DAVIS, III

Chairman McCaul, Ranking Member Thompson, distinguished Members of the committee, thank you for inviting me here today to discuss the tragedy that occurred in Boston on Patriots Day, April 15 when two cowardly brothers laid siege to one of Massachusetts' most venerated traditions, the Boston Marathon.

I am here as the Commissioner of the Boston Police Department, but I also speak on behalf of Mayor Thomas Menino, the Mayor's Emergency Management staff and law enforcement from across the State and across the Nation, when I describe our cooperative response to these attacks and what they did to our community.

On April 15 at 2:50 p.m., the elite runners had long passed the finish line. Boylston Street was busy with runners, spectators, and those enjoying the restaurants on a beautiful Marathon Monday. A young family with three small children, happy and clapping, stood in front of the Forum restaurant, pressed up against the barriers for a closer look at the runners. One of the children was 8-year-old Martin Richard. Close by was Boston University graduate student, Lu Lingzi. A restaurant manager, 29-year-old Krystle Campbell stood with her friends near the finish line. Suddenly without warning an explosion rocked the sidewalk of Boylston Street, near the finish line, killing Krystle Campbell. Before the smoke had even cleared, a second bomb exploded 12 seconds later, in front of the Forum Restaurant, a few blocks west of the finish line. Martin Richard and Lu Lingzi both perished.

First responders sprung into action and ran toward the bomb scenes to help. They did so with full knowledge that there could still be other unexploded devices in the immediate area. When I saw Boston Police Sgt. Christopher Connolly of the Explosive Ordnance Unit at the site preparing to slice open unattended backpacks that had been abandoned as spectators fled, searching for unexploded bombs, I paused to wish him luck and safety.

Other heroes, meanwhile, rushed injured and maimed people by wheelchairs to the nearby medical tent with lost limbs and massive bleeding. Runners and spectators with medical training also did what they could to comfort gravely injured and dying people.

Terrorists had killed three innocent people and injured nearly 300 others.

The death toll increased later in the week when MIT Police Officer Sean Collier was executed by the same two terrorists in nearby Cambridge when they ambushed him and unsuccessfully tried to get his weapon. Finally, Transit Officer Richard Donohue was gravely injured during a pursuit of these individuals who were throwing explosives and shooting at police officers. Thankfully, Officer Donohue will survive.

There was tremendous work by police and other first responders throughout the week culminating in the death and capture of the brothers in the nearby community of Watertown. There was unprecedented cooperation among Federal, State, and local law enforcement agencies at the leadership and ground levels.

The Boston Police Department for many years has enjoyed long-standing professional and personal relationships that helped facilitate effective collaboration during this case. For example, within moments of my receiving notification from my officers about the two explosions at the finish line, I contacted my colleague, Special Agent in Charge of the FBI Boston Office Richard DesLauriers and shared all of the information I had at the time. He immediately began to deploy resources to assist us.

Detectives and detective supervisors from the Boston Regional Intelligence Center represent the Boston Police Department on the FBI Joint Terrorism Task Force. Additionally, the Boston Police Department maintains a close and on-going working relationship with both the FBI and DHS through the intelligence personnel both agencies have assigned to work within the Center.

I want to acknowledge the U.S. attorney's office, the Attorney General's office, the FBI, ATF, ICE, the National Guard, and our Massachusetts partners including the Executive Office of Public Safety and Security, the State Police, the attorney general's office, Cambridge, Watertown, MIT, transit and other neighboring police departments, as well as everyone who worked around the table at our command posts, helping us find answers.

I also want to thank President Obama and his administration and especially the Department of Homeland Security for their immediate offer of assistance to our efforts during that crucial time.

The Boston Marathon route is a target that spans not just the 26.2 miles traveled by the runners, but grows to a 55-mile perimeter when you factor in the surrounding environs. It is clear after these events and other types of mass casualties such as those which have happened in our Nation's schools and colleges that we need to continue to harden soft targets, especially events that lend themselves toward large gatherings celebratory in nature. In the future we will review the need to deploy more assets including technology, cameras, undercover officers, and specialized units. We will continue to enhance preparedness training for all of our officers to protect these large events.

This need, however, must be balanced against the protection of our Constitutional liberties. I do not endorse actions that move Boston and our Nation into a police state mentality, with surveillance cameras attached to every light pole in the city. We do not, and cannot live in a protective enclosure because of the actions of extremists who seek to disrupt our way of life.

My police career has been built on the concept of community policing that encourages our officers to get out of cars, talk with people, and solve problems in partnership with the community. This absolutely works. The community played a critical role in this fight against terrorism. In Watertown, despite heavy police presence for more than 12 hours, and a house-by-house search in a 20-block perimeter for one of the two suspects, it was the critical observation of a neighbor that something was amiss in his backyard that led to the capture of one of the bombers. In Boston, it was the cooperation of the owners of the Forum Restaurant whose video cameras led to the identification of the two terrorists. It was the cooperation of the people of Boston, Watertown, and several other neighboring communities who voluntarily assisted our police departments by staying indoors during this protracted manhunt that led to the safe resolution of the capture.

Communication with the public was essential throughout the entire week. Employing the Boston Police Department's Facebook and Twitter social media accounts allowed us to stay immediately connected with our residents, tourists, and business community. We were able to both give and receive information that maintained our dialogue with our community partners.

The Federal Government provided invaluable assistance both in helping us prepare for and respond to this tragic event. Preparedness training provided through UASI and other Federal funding set a framework for multiple jurisdictions to work seamlessly with one another in a highly effective manner. Technology such as the vehicle that pulled the tarp off a boat in Watertown where the second suspect was hiding and we believed was armed with another improvised explosive device, or other support systems such as our command posts or armored vehicles all provided safety and allowed for the suspect to be captured alive.

Additionally, the world-wide exchange of information that has occurred in law enforcement has absolutely led to better preparation and training for our first responders. For example, I and other members of the Police Executive Research Forum met in London with Metropolitan Police Commissioner Sir Ian Blair following the 2005 terrorist bombings there. At that meeting, Sir Ian provided certain information about backpack bombs, information that 8 years later would prove invaluable to our management and helped me make informed, strategic decisions.

Working with police officials from Northern Ireland, Israel, and Jordan has given me invaluable insight in dealing with what is now a global problem. Such meetings and exchange of information going forward should be a fundamental part of our preparedness in this country.

The actions of September 11, 2001, as well as the other discovered plots against our Nation have helped all of us prepare better. We have all adapted our way of living, and have forced us to think the unthinkable. Because of that preparation, when a crisis does emerge, there are carefully scripted and measured responses to these emergencies. This evolving process has taught us to remain vigilant and to continue to strive for the highest level of safety possible.

Clearly, we can and must do more. I come before you today to ask for continued investments in infrastructure that would aid in our policing efforts.

In the case of the Boston Marathon bombings, we had to rely almost exclusively on the support of our business partners to provide critical video surveillance along the finish line. The information helped us identify and catch these two terrorists. I strongly support the enhanced ability to monitor public places. This monitoring, which been upheld by the United States Supreme Court, violates no Constitutionally-protected rights but gives police the ability to investigate and effectively prosecute. Images from cameras do not lie. They do not forget. They can be viewed by a jury as evidence of what occurred.

These efforts are not intended to chill or stifle free speech, but rather to protect the integrity and freedom of that speech and to protect the rights of victims and suspects alike.

I also encourage the Federal Government to continue the important funding for the hiring of police officers as well as intelligence analysts, who are needed for both the prevention of further crimes as well as to respond to incidents such as this one.

Additionally, law enforcement needs secure radio bandwidth in a public safety spectrum dedicated exclusively to public safety use. We cannot rely on commercial carriers for public safety emergency communications. In the minutes immediately following the attacks, cell phone communication was ineffective, and virtually non-existent. For this reason, radio communications for first responders became the only means to deploy forces and manage the operations. These frequencies play a critical role during a major incident and allow us to do our jobs properly.

Patriots Day 2013, and indeed, the ensuing days that saw the largest manhunt in the history of New England unfold across several of our communities, changed us all forever. It is my fervent hope that we can maintain our freedom, and protect our fundamental values and at the same time, harden our resolve to discourage and thwart extremists like the two who tried and failed to change our way of life. These criminals, who cultivated their plans by accessing extremist literature and then executed them on unsuspecting men, women, and children, are reprehensible deviants, nothing more.

In closing, on behalf of the Boston Police Department, I want to thank the massive showing of support from law enforcement agencies who answered our call for help during that week in April. I also want to thank the scores of unexpected heroes who emerged during that horrific event, literally saving the lives of innocent victims.

The actions of the Boston Marathon medical personnel who rushed and provided life-saving first aid to the victims, as well as those runners and spectators who assisted, and the scores of doctors and nurses at 26 of some of the best hospitals in the world saved dozens more lives. Thank you also to the scores of Boston Athletic Association volunteers who assisted the Boston Police, Fire, and EMS first responders on the scene.

We also must acknowledge the tidal wave of financial support that has helped raise more than \$30 million for the victims, money raised by grassroots events such as community bake sales, or from everyday citizens like the staff at the Lenox Hotel, which was commandeered as a tactical command post, and whose staff donated every penny of their tips during those initial days to the One Fund charity set up to help the victims.

I want to acknowledge the devastating effects those explosions took on nearly 300 innocent victims—the four you see before you, as well as victims such as Celeste and Sydney Corcoran from Lowell, Massachusetts, where I first became a police officer. I had the honor of visiting with them in their hospital room, and to say I was humbled by their courage, tenacity, and unyielding human spirit would be a gross understatement. I also met with Transit Officer Richard Donohue, shot in the leg during a shoot-out with the suspects in Watertown. He lost his whole volume of blood and nearly died from his wounds but was saved by fire department personnel and hospital medical personnel. Thankfully, he is on his way to recovery.

I want to thank the residents of the city of Boston, as well as our neighboring communities who found themselves under attack during those five days in April, and in many cases, provided us with crucial information to help bring this case to a resolution.

I want to thank Governor Deval Patrick and Boston Mayor Thomas Menino for their unrelenting support and the on-going deployment of resources to assist both law enforcement and the victims of this attack.

But most importantly, I want to recognize names that must never, ever, under any circumstances, be forgotten.

MIT Police Officer Sean Collier was assassinated by the two terrorists while doing his job, helping to keep his college community safe. Sean wanted nothing more than to be a police officer, and his courage and legacy must never be forgotten.

Boston University graduate student Lu Lingzi was on Boylston Street with her college friends, cheering alongside the thousands of other supporters when one of the bombs killed her.

Krystle Campbell was described by friends as always having a smile on her face. Her smile lives on in all of the memories and photographs of her shared by family and friends.

And finally, remember the name of Martin Richard, the innocent 8-year-old boy who stood wide-eyed as marathon runners raced past him, standing atop the braces of a metal barrier as one of these killers purposely left a backpack of explosives just

feet from him, a boy now forever immortalized by his school project poster, imploring “No more hurting people. Peace.”

Thank you on behalf of the city of Boston, where next April we will proudly honor not just the tens of thousands of runners in the 118th Boston Marathon, but we will also remember the countless supporters who come to cheer them on and who help make the Boston Marathon such an historic celebration of perseverance and the human spirit. Boston is considered by many to be the birthplace of our Nation’s liberty, and we won’t let actions like these deter us. We continue to move forward, because in Boston, home of the Boston Marathon, we were born to run.

These two terrorists tried to break us. What they accomplished was exactly the opposite. They strengthened our resolve, causing us to band together as a city and a Nation in times of crisis, to help one another during life-changing moments, to allow heroes to emerge, and to prove to Bostonians and to the world, that our city is indeed, Boston Strong.



Chairman MCCAUL. Thank you, Commissioner. Let me say on behalf of the committee, we thank you for your efforts, your department. Our hearts really go out to the victims and their families, both those killed and then the 260 that were wounded on a battlefield, many of whom I believe your department and the first responders saved on that day. So let me just say thank you for that.

The Chairman now recognizes Under Secretary Schwartz for an opening statement.

**STATEMENT OF KURT N. SCHWARTZ, UNDER SECRETARY, EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY, COMMONWEALTH OF MASSACHUSETTS**

Mr. SCHWARTZ. Thank you, Chairman McCaul, Ranking Member Thompson, Members of the committee. On behalf of Governor Patrick, I thank you for this opportunity to share thoughts and insights as you take your first look at the tragic events related to the Boston Marathon bombings.

The week of April 15 in and around Boston demonstrated the value of our investments of money, time, and resources in our local, State, and Federal homeland security enterprise. Within seconds of the bomb blasts at the finish line of the marathon an array of personnel, resources, and capabilities, many of which were funded with homeland security grant dollars, were brought to bear to triage and care for the wounded, communicate with the public, provide situational awareness for decision makers, ensure the safety and security of the public and critical infrastructure, set up a joint command center, and ultimately identify and apprehend the suspected terrorists.

The speed with which Boston responded, supported by the State police, the National Guard, the transit police and dozens of local, regional, State, and Federal law enforcement agencies and other first responders is a testament to the Homeland Security spending and investments in preparedness, training, and exercises, effective mutual aid systems, coordinated response systems, and outstanding leadership.

I speak with first-hand knowledge of the heroic work done by our public safety team on April 15 and in the following days. I arrived on Boylston Street only minutes after the blast where I joined city and State public safety officials, including Commissioner Davis and Colonel Alvin of the Massachusetts State Police, and I was still with this team, privileged to be with this team 4 days later when the last of the suspected terrorists was captured in Watertown.

I commend Governor Patrick and members of his administration, including Secretary of Public Safety Cabral, the State police, the transit police, the National Guard, and I also commend Commissioner Davis, the men and women he commands and the first responders from the Boston Fire Department and Boston EMS and the many other local, State, and Federal public safety agencies that responded into Boston for their extraordinary performance under horrific circumstances.

As you all know, April 15 marked the 117th running of the Boston Marathon, one of the most prestigious marathons in the world. In Massachusetts, quite simply, the marathon is a big deal and public safety for the marathon also is a big deal. For local, regional,

and State public safety officials, the Boston Marathon is one of our largest annual events, and we appropriately dedicate substantial planning and operational resources to protect as best we can the runners and spectators and the eight cities and towns that host the race.

On April 15, the public safety community was prepared. As it has done in the past, the Massachusetts Emergency Management Agency, MEMA, brought together a multi-agency, multi-discipline team last January that spent 3 months developing the operational plans, the coordination plans for this year's marathon. On race day, an 80-person, multi-agency coordination center was operational at MEMA. Representatives from Boston's police, fire, and EMS services, and public safety personnel from the other seven cities and towns along the 26-mile course were present in the center, along with key State and Federal agencies such as the Massachusetts State Police, the Department of Fire Services, Office of Emergency Medical Services, public health, National Guard, the Commonwealth Fusion Centers, the FBI, the Department of Homeland Security, the FAA, the Coast Guard, and our partners, the Boston Athletic Association.

Along the 26-mile course, local, regional, and State tactical teams, hazardous materials response teams, DOD teams, the National Guard civil support team, mobile command posts and State Police helicopters were deployed as part of an all-hazards operational plan.

In short, when the 27,000 runners started the race in Hopkinton, as a community, we were prepared from the starting line to the finish line in Boston. As we well know, at 2:50 p.m., April 15, two powerful bombs were intentionally detonated 12 seconds apart on Boylston Street within a short distance of the finish line. The results were catastrophic; three people killed and over 250 injured, dozens of them seriously.

The response by the public, by bystanders, witnesses, and volunteers in those moments after the blast was nothing short of remarkable. The public safety response was equally incredible. The response that I witnessed speaks volumes about the investments that we have made in the Commonwealth to enhance our homeland security.

From a high-level systemic view, several common themes and key factors stand out as we assess the massive, swift, and effective public safety response to the bombings. There is a clear correlation, as others have said, between the effectiveness of response operations in the aftermath of the bombings and our homeland security investments. The response to the bombings relied heavily on specialized capabilities that have been built and sustained through our homeland security programs. The response to the bombings was augmented through preexisting inter- and intrastate mutual aid agreements that have been built on regional response strategies and plans.

Interoperability was a huge success story. Over the years the millions of dollars that we have invested under local, regional, and State interoperability plans ensured the responders and command personnel were able to effectively communicate between agencies, between disciplines, and between jurisdictions.

We benefited from our history of using pre-planned events like the marathon as real-life opportunities to exercise and utilize our command posts and our emergency operations centers, to test our plans and mutual aid systems, to activate our specialized response teams, to stay familiar with the technology systems that we rely on during emergencies, and to strengthen personal and professional relationships amongst people, agencies, disciplines, and jurisdictions that otherwise may not have opportunities to work together.

We benefited from our investments in regional exercise programs that allow first responders to hone specialized skills and gain familiarity with responders from other areas who may be called in to support under mutual aid agreements.

The cooperation and collaboration across agencies, disciplines, and jurisdictions was immediate and extraordinary. There was unity of focus and unity of purpose at the command level and through the ranks all the way down to the first responders on Boylston Street on April 15 and to the thousand-plus police officers that participated in the State's largest man-hunt on April 18 and 19.

The relationship between public safety leaders and public officials at all times was open, positive, and constructive. Governor Patrick and Mayor Menino regularly communicated with each other and consulted with and were briefed by their public safety leaders such as Commissioner Davis and Colonel Alvin of the State Police. Their decisions were informed by and reflected public safety concerns, needs, and objectives, and this fostered constructive decision making and opportunities for bold out-of-the-box decisions.

The support from the Federal Government, as you have heard from others, was immediate and effective. I need to personally thank FEMA, the Department of Homeland Security, the Executive Office of Health and Human Services, all of whom were on the ground and with us and supported us throughout this week-long event.

Finally, local and State public safety and emergency management agencies effectively communicated with the public through social media, reverse 9-1-1 systems, smart phone apps, and for the first time in Massachusetts, we pushed an emergency notification through the new Wireless Emergency Alert Service.

The response by the public to the bombings and ensuing hunt for the suspected terrorists was nothing short of incredible. On April 15 and in the following days, people did not panic or act out of a sense of anger or frustration. Rather, these tragic and shocking events brought out the best in our communities. They supported our first responders and heeded requests and directions from Governor Patrick and Mayor Menino and public safety leaders including the unprecedented request on April 19 that residents of Boston, Watertown, and four other surrounding cities remain indoors.

The community, as you have heard, has responded to these tragic events with compassion, with strength, and with support for the survivors of the bombings, the families of our victims, our first responders, and the impacted communities. Boston, Watertown, and all of our impacted communities have shown us what it means to be resilient.

In the days, weeks, and months ahead, we will conduct a comprehensive local regional and State after-action review of the bombings and their aftermath including our pre-bombing prevention, protection, and mitigation strategies and actions and our response and recovery efforts. We will engage in this full review not because we have a basis to believe that the system did not work, but because no matter how well it did work, an event of this magnitude and tragedy requires that we gather and analyze all of the facts and determine what worked, what might not have worked, and if there are areas for improvement.

Finally, it is important to end by stating that Governor Patrick and I have tremendous pride in our community of public safety professionals who demonstrated so well its commitment to public safety, even under the most difficult of circumstances. These were trying times and we are able to look back upon them with admiration for the collaboration and partnerships that truly made a difference. Thank you.

[The prepared statement of Mr. Schwartz follows:]

PREPARED STATEMENT OF KURT N. SCHWARTZ

Chairman McCaul, Ranking Member Thompson, and Members of the Committee on Homeland Security: My name is Kurt Schwartz and I serve in Governor Patrick's administration as the under secretary for homeland security and homeland security advisor, and the director of the Massachusetts Emergency Management Agency. On behalf of Governor Patrick, I thank you for this opportunity to share thoughts and insights as you take a first look at the tragic events related to the Boston Marathon bombings. As you know, these events began with the terrorist bombings on April 15 during the Boston Marathon and continued through April 18 and 19 when one police officer was shot and killed and another seriously injured before one of the suspected terrorists was killed during a shoot-out with law enforcement officers and the other was captured after a day-long manhunt.

The week of April 15 in and around Boston demonstrated the value of our investments of money, time, and resources since 2001 in our local, State, and Federal homeland security enterprise. Within seconds of the bomb blasts at the Finish Line of the Boston Marathon, an array of personnel, resources, and capabilities—many funded with homeland security grant dollars—were brought to bear to triage and care for the wounded, communicate with the public, provide situational awareness for decision makers, ensure the safety and security of the public and critical infrastructure, set up a joint command center, and identify and apprehend the suspected terrorists.

As the world watched, first responders, aided by the public, swiftly provided on-scene emergency medical care to those injured from the blasts, and emergency medical services (EMS) partners followed established plans to triage and transport the wounded to area trauma centers. And even as the wounded were being evaluated, treated, and transported, tactical and other specialized teams, many of which deployed into Boston under established mutual aid agreements, conducted chemical, biological, radioactive, and nuclear (CBRN) monitoring in the area, searched for additional explosive devices, deployed to and secured our regional transit systems and other critical infrastructure, and established a large security zone and crime scene perimeter. The speed with which Boston, supported by the Massachusetts State Police, the National Guard, the Transit Police and dozens of local, regional, State and Federal law enforcement agencies and other first responders, evacuated the wounded to hospitals, took control of the crime scene, established a large security perimeter, and established communication with the public, is a testament to homeland security spending and investments in preparedness, training, and exercises, effective mutual aid systems, coordinated response systems, and outstanding leadership.

I speak with first-hand knowledge of the heroic work done by our public safety team on April 15 and in the following days; I arrived on Boylston Street only minutes after the blasts where I joined city and State command-level public safety officials, including Commissioner Ed Davis of the Boston Police Department and Colonel Timothy Alben of the Massachusetts State Police. And I was still with this team 5 days later when the last of the suspected terrorists was captured in Watertown.

I commend Governor Patrick and members of his administration for the professionalism they all displayed in responding to the tragic events that unfolded so quickly and so unexpectedly. From my colleagues in the Executive Office of Public Safety and Security, including the Commonwealth's Secretary of Public Safety and Security Andrea Cabral, the State Police, the Transit Police, the National Guard, and the many others who were on the scene at the time of the blasts or responded quickly thereafter, their superb training and commitment to public service was certainly on display.

I also commend Commissioner Davis of the Boston Police Department, the men and women he commands, and the multitude of first responders from the Boston Fire Department and Boston EMS for their extraordinary performance of their duties under horrific circumstances.

April 15, 2013, marked the 117th running of the Boston Marathon, one of the most prestigious marathons in the world. As it does every year, the race took place on Patriot's Day, a State holiday that commemorates the anniversary of the first battles of the Revolutionary War in 1775. Patriot's Day and the Boston Marathon are inextricably linked and, quite simply, are big deals in Massachusetts.

Public safety for the Boston Marathon also is a big deal. Unlike most marathons, the Boston Marathon's 26.2-mile course is a relatively straight line that starts in Hopkinton, Massachusetts and proceeds east through eight cities and towns and three counties before ending on Boylston Street in Boston. For local, regional, and State public safety officials, the Boston Marathon is one of our largest annual events and we appropriately dedicate substantial planning and operational resources to protect, as best we can, the runners and spectators, and the 8 cities and towns that host the race. These extensive planning and preparedness efforts are intended to ensure readiness to respond to any and all unexpected hazards that threaten health, safety, or property.

On April 15, the public safety community was prepared.

As we have done for the many years, the Massachusetts Emergency Management Agency brought together a multi-agency, multi-discipline team last January to begin developing the operational plans for this year's marathon. We did worst-case scenario planning, preparing for a wide array of incidents and events that might impact the marathon or the host communities. In early April, this multi-disciplinary team conducted a comprehensive tabletop exercise to ensure our readiness.

On race day, an 80-person Multi-Agency Coordination Center—a MACC—was operational in the State's Emergency Operations Center at the Massachusetts Emergency Management Agency. Representatives from Boston's police, fire, and EMS services, and public safety personnel from the other 7 cities and towns along the 26.2-mile course, were present in the MACC along with key State and Federal public safety agencies such as the Massachusetts State Police, the Department of Fire Services, the Office of Emergency Medical Services, the Department of Public Health, the National Guard, the Commonwealth Fusion Center, the FBI, the Department of Homeland Security, the FAA, the Coast Guard, and the Boston Athletic Association. The MACC was also connected to emergency operations centers in all 8 cities and towns, as well as the Boston Medical Intelligence Center and the Department of Health's Operations Center. Additionally, first responders along the course and command-level personnel from all local, State, and Federal public safety agencies were using interoperable channels on portable radios to maintain effective communications paths. Along the course, local, regional, and State tactical teams, hazardous materials response teams, explosive ordinance disposal (EOD) teams, the National Guard Civil Support Team, mobile command posts, and State Police helicopters were deployed as part of an all-hazards operational plan.

In short, when 27,000 runners started the race in Hopkinton, we were prepared from the starting line in Hopkinton to the finish line in Boston. In large part, our high levels of preparedness were due to:

- Investments made in collaboration with Governor Patrick's administration over the past years using Federal homeland security grant funds;
- A long-standing commitment to and implementation of multi-agency, multi-discipline, and multi-jurisdictional training and exercises throughout the State;
- A strong record of collaboration, coordination, and cooperation by public officials and public safety leaders; and
- An unwavering 24/7 commitment to homeland security by all local, regional, State, and Federal public and private partners and stakeholders.

At 2:50 PM on April 15, two powerful bombs were intentionally detonated 12 seconds apart on Boylston Street in Boston within short distances of the finish line. The bombs were placed outside of the secure zone of the race course on the public venue sidewalks between the race spectator perimeter and the store fronts along Boylston Street. These areas were packed with race spectators and shoppers. The

results were catastrophic: Three people killed and over 250 were injured, dozens of them seriously.

The response by the public—bystanders, witnesses, and volunteers—in those moments after the blast was nothing short of remarkable. This sense of community and empowerment to take care of our own was demonstrative of the way our Commonwealth has come together in this time of shock and tragedy.

The public safety response was equally incredible. I witnessed this response, and it speaks volumes about the investments that we have made in the Commonwealth to enhance our homeland security. On April 15 and during the next 4 days, our investments across all five homeland security mission areas—prevention, protection, mitigation, response, and recovery—paid off in dividends.

From a high-level systemic view, several common themes and key factors stand out as we assess the massive, swift, and effective public safety response to the bombings.

Foremost, there is a clear correlation between the effectiveness of response operations in and around Boston in the aftermath of the bombings and local, regional, and State investments in training, exercise programs, building and sustaining specialized capabilities, activating and maintaining an incident command system, activating and operating emergency operations centers and mobile command posts, as well as our long-standing focus on developing regional response capabilities and mutual aid agreements, and building pre-existing strong personal and professional relationships amongst public safety leaders.

There are other key factors that contributed to the effectiveness of response operations.

- The response to the bombings relied heavily on specialized capabilities that have been built and sustained through our homeland security programs, including SWAT and EOD teams, bomb detection K-9's, CBRN detection systems and surveillance systems, command posts, and emergency operations centers.
- The response to the bombings was augmented through pre-existing inter- and intra-state mutual aid agreements that have been built on regional response strategies and plans.
- Interoperability was a success story. Over the years, millions of dollars have been invested under local, regional, and State interoperability plans, and our investments in mutual aid channels, tactical channel plans, radio towers, new radios, and specialized training allowed first responders, as well as command-level personnel, to effectively communicate by radio between agencies, between disciplines, and between jurisdictions. The availability of interoperable radio systems was particularly important to first responders in the first few hours after the bomb blasts because cell phone and land-line telephone systems in the greater Boston area were overloaded by the spike in demand, rendering them largely inoperable.
- We benefited from our history of using pre-planned events like the marathon as real-life opportunities to exercise and utilize our command posts and emergency operations centers, to test our operational plans and mutual aid systems, to activate our specialized response teams, to stay familiar with the technology-based systems that we rely on during emergencies, and to strengthen personal and professional relationships amongst people, agencies, disciplines, and jurisdictions that otherwise may not have many opportunities to work together.
- We also benefited from our investments in regional exercise programs, such as the Urban Shield exercises conducted by the Boston Urban Area Security Initiative (UASI), that allow first responders to hone specialized skills and gain familiarity with responders from other areas who may be called in for support under mutual aid agreements.
- The cooperation and collaboration across agencies, disciplines, and jurisdictions was immediate and extraordinary. This was truly a best practice that should be noted Nation-wide. Within minutes of the blasts, local and State public safety leaders responded to Boylston Street and followed Boston's lead in establishing a command group that effectively shared information, pooled resources, and collaboratively managed a massive response. There was unity of focus and unity of purpose at the command level and through the ranks all the way to the first responders on Boylston Street on April 15 and the thousand-plus police officers that participated in the State's largest manhunt on April 18 and 19.
- The relationship between public safety leaders and public officials at all times was open, positive, and constructive. Governor Patrick and Mayor Menino regularly communicated with one another, and consulted with and were briefed by their public safety leaders such as Commissioner Davis, Colonel Alben of the Massachusetts State Police, General Rice of the Massachusetts National Guard, and Chief Paul MacMillan of the Transit Police Department. Their decisions

were informed by, and reflected public safety concerns, needs, and objectives. This positive working relationship was based on trust, respect, and a commonality of purpose and mission, and it fostered constructive decision making and opportunities for bold “out of the box” decisions such as Governor Patrick’s decision to deploy the National Guard into Boston on April 15 to support law enforcement efforts, and issue the April 19 shelter-in-place request for Boston, Watertown, and four other surrounding cities.

- The support from the Federal Government was immediate and effective. On the law enforcement side, every imaginable Federal agency dispatched personnel and resources in support of local, regional, and State law enforcement response efforts. On the emergency management side, the Federal Emergency Management Agency and the Department of Health and Human Services had senior people in the command center in Boston only hours after the bombings, and they helped ensure that direct Federal assistance was provided as needed. Additionally, I was in regular contact with FEMA’s Regional Administrator in Boston, and with senior headquarters personnel from both FEMA and the Department of Homeland Security in Washington, DC. And, the White House and FEMA quickly turned around the Governor’s request for an Emergency Declaration, approving direct Federal assistance and Category B Emergency Protective Measures within 24 hours of the Governor’s request.
- Finally, local and State public safety and emergency management agencies effectively communicated with the public through social media, reverse 9–1–1 systems, press releases, press conferences, an emergency alerting Smart Phone app, and—for the first time in Massachusetts—pushed an emergency notification to the public through the new Wireless Emergency Alert Service that is part of the Integrated Public Alert and Warning System known as IPAWS.

The response by the public to the bombings and ensuing hunt for the suspected terrorists was nothing short of incredible. On April 15, and in the following days, people did not panic or act out of a sense of anger or frustration. Rather these tragic and shocking events brought out the best in our communities: The support for first responders has been unprecedented. The public heeded requests and directions from Governor Patrick, Mayor Menino, and public safety leaders, including the unprecedented request on April 19 that residents of Boston, Watertown, and four other surrounding cities remain indoors. Businesses heeded this request as well, and remained closed for an entire business day. The community has responded to these tragic events with compassion, with strength, and with support for the survivors of the bombings, the families of the victims, and the impacted communities. Boston and Watertown, and all of our impacted communities have shown us what it means to be resilient.

We will conduct a comprehensive local, regional, and State after-action review of the bombings and their aftermath, including our pre-bombing prevention, protection, and mitigation strategies and actions, and our response and recovery efforts. At the end of this process, an After-Action Report and corrective action plans will be published. We will identify what worked well, where there is need for improvement and gaps that need to be addressed through training, exercises, planning, and homeland security investments. We welcome and support a full review, not because we have a basis to believe that the system did not work, but because an event of this magnitude and tragedy requires that we gather and analyze all of the facts and determine what worked, what might not have worked, and if there are areas for improvement.

However, upon initial examinations made thus far, I can confidently state that investments made with homeland security dollars enhanced our capability to respond to these tragic events.

I think it’s important to end by stating that Governor Patrick and I have tremendous pride in our community of public safety professionals who demonstrated so well its commitment to public safety, even under the most difficult of circumstances. These were trying times, and we are able to look back upon them with admiration for the collaboration and partnerships that truly made a difference.

Chairman MCCAUL. Thank you, under secretary, and please express to the mayor and the Governor our appreciation and thanks.

The Chairman now recognizes Professor Southers for an opening statement.

**STATEMENT OF ERROLL G. SOUTHERS, PROFESSOR AND ASSOCIATE DIRECTOR OF RESEARCH TRANSITION, DHS NATIONAL CENTER FOR RISK & ECONOMIC ANALYSIS OF TERRORISM EVENTS (CREATE), SOL PRICE SCHOOL OF PUBLIC POLICY, UNIVERSITY OF SOUTHERN CALIFORNIA**

Mr. SOUTHERS. Chairman McCaul, Ranking Member Thompson, Members of the committee, thank you for inviting me to appear before you today.

It is extremely unfortunate and saddening that our gathering and important conversations were precipitated by the tragic events in Boston, but this hearing and those to follow offer valuable opportunities to discuss the methods and strategies that can best address and disrupt the ever-present threat of terrorism and violent extremism. My deepest condolences, thoughts, and prayers go to the victims of this cowardly act.

The Boston Marathon bombing was conducted by terrorists who grew up within miles of where they committed their tragedy. They were locals, educated, living and working in the area. Because of this, they knew the target environment, did not require training to familiarize themselves with the area and its protective measures. Put simply, the Tsarnaev brothers were home-grown violent extremists, and because of them, Boston joins a cluster of cities around the world that have endured terrorist attacks, plotted and executed by their own residents, even as the extremist ideology to which they ascribe was likely influenced by ideas created and embraced elsewhere in the world.

Much like the Madrid-trained bombings in 2004, as well as the July 2005 bombings in London, the terrorists' familiarity with the target area afforded them critical situational awareness that facilitated their ability to plan and execute a local attack.

As a starting point for any analysis on this tragic event, it is essential to explore why and how these incidents happened and available options to reduce the risk of future attacks. In the context of our country, home-grown violent extremism, or HVE, describes terrorist activity or plots targeting the United States or United States assets by American citizens or residents who have embraced their extremist ideology largely within this country.

A precursor to HVE is a process of radicalization, though like the term "terrorism," the concept of radicalization is widely referenced but remains poorly defined. The term is not limited to any one racial, religious, or issue-oriented group. Radicalization is a process whereby individuals identify, embrace, and engage in furthering extremist ideologies. The final element, engagement, is one part of the indoctrination pathway continuum which has the potential to yield violent extremist activities.

An examination of radicalization yields broad questions regarding how a person becomes engaged, stays engaged, or may actually disengage from a group or extremist ideology. Terrorism requires a combination of three things: An alienated individual, a legitimizing ideology engaged through radicalization, and an enabling environment. Of the three, it is the environment that is most susceptible to positive influences that supported by appropriate policies and behaviors can reduce the risk of home-grown violent extremism.

As law enforcement and counterterrorism officials analyze the Boston Marathon attacks, we should resist the urge to fix something absent specific evidence or some failure or compromise of the system until all of the facts are in.

Security is comprised of policies, processes, and technology. As it relates to environments like sporting events or critical infrastructure, the emphasis should be on policies that are risk-based; that is, focused on threats that present the most danger, and are most likely to occur. We have the applied research capacity to and do model potential attack paths given the desirability or utility yielded to an adversary.

Citizen awareness, actionable intelligence, and interdisciplinary methodologies such as our successful application of game theory randomization around the country, in addition to other new available cutting-edge technologies currently being tested in the United States and in Brazil in cooperation with the 2014 World Cup and 2016 Olympics, will continue to hold significant importance for holistic countermeasure strategies.

At the same time, recognizing that the goal is to contain terrorism, we should seek out and prioritize opportunities to engage communities to take part in disrupting the radicalization process that could ultimately lead to violent action.

One challenge in this case is the role the on-line media can play in fostering violent extremism.

Arguably the internet's capacity for propelling extremists through the radicalization process is the single most important and dangerous innovation since the terrorist attacks of September 11, 2001. The internet in some ways is a virtual community, and future attacks against the United States and its interests will likely involve adversaries who have traversed the radicalization process at least in part on-line.

Securing a democratic society is a formidable challenge, and we will never be completely free of a terrorist threat. Protecting the country is an on-going effort that must remain versatile in the face of creative and adaptive adversaries. Every step towards greater security is matched with a would-be terrorist exploitation of an unaddressed vulnerability. There is no finish line in homeland security.

Thank you very much for having me today.

[The prepared statement of Mr. Southers follows:]

PREPARED STATEMENT OF ERROLL G. SOUTHERS

MAY 9, 2013

Members of the committee, thank you for inviting me to appear before you today. It is extremely unfortunate and saddening that our gathering and important conversations were precipitated by the tragic events in Boston, but this hearing, and those to follow, offer valuable opportunities to discuss the methods and strategies that can best address and disrupt the ever-present threat of terrorism and violent extremism. My deepest condolences, thoughts, and prayers go to the victims of this cowardly act.

The Boston Marathon bombing was conducted by terrorists who grew up within miles of where they committed their tragedy. They were locals, educated, living and working in the area. Because of this, they knew the target environment and did not require training to familiarize themselves with the area and its protective measures. Put simply, Tamerlan and Dzhokhar Tsarnaev were home-grown violent extremists, and because of them, Boston joined a fraternity of cities around the world that have

endured terrorist attacks plotted and conducted by their own residents. Much like the Madrid train bombings in March 2004, as well as the July 2005 bombings in London, the terrorists' familiarity with the target area afforded them critical situational awareness that facilitated their ability to plan and execute local attacks, as well as the capacity to remain largely unidentified by our counterterrorism efforts until after the attack.

Superseding the issue of how the Tsarnaev brothers were able to succeed is a matter how they arrived at the decision to attack in the first place. The Tsarnaevs came to the United States long before embracing the ideology that, in their minds, legitimized their violent activity. As a starting point for any analysis on this tragic incident, it is essential that law enforcement, counterterrorism agencies, the Members of this committee, and the country overall understand that the Tsarnaev brothers became terrorists in this country and were thus home-grown, even as the extremist ideology to which they ascribed was likely influenced by ideas created and embraced elsewhere in the world. The Boston attacks were not a case of foreign-borne terrorism, but rather, of home-grown violent extremism (HVE).

#### THE COMPLEX RADICALIZATION PROCESS

In the context of the United States, HVE describes terrorist activity or plots targeting the United States and U.S. assets by American citizens or residents who have embraced their extremist ideology largely within this country. A precursor to HVE is a process of radicalization, though like the term "terrorism," the concept of radicalization is widely referenced but remains poorly defined. The term is routinely used as a synonym for extremist activities conducted by Muslim Identity adherents. This is short-sighted, as radicalization is not limited to any one racial, religious, or issue-oriented group. Radicalization is a process whereby individuals identify, embrace, and engage in furthering extremist ideologies. This final element—engagement—is one part of the indoctrination pathway continuum, which has the potential to yield violent extremist activities.

To be sure, many people who hold extremist views do not engage in violent activity. The Constitution protects speech, even hate speech, which is inherently extremist. In that regard, we should be mindful of the totality of circumstances that create the capacity for violent incidents and avoid a narrow focus on the presence of extremist ideologies in general. Little attention has been given in the scholarly or policy literature to defining criteria for which extremist ideologies pose a threat to National or global security, or whether extremist ideologies matter in the absence of violent actions. A 2009 U.S. Presidential Task Force on Confronting the Ideology of Radical Extremism suggests the administration should expand its focus from violent to nonviolent extremism.<sup>1</sup> This is an important distinction deserving further analysis, and perhaps an even more important issue is how an individual identifies and embraces extremism to begin with.

Indiscriminant violent action can be the result of radicalization, but the process often begins with a "cognitive opening" that is unique to the individual. This opening may be a traumatic event that makes someone more susceptible to accepting extremist ideology. It is as if a "grievance switch" is flipped on, grievances that can stem from myriad experiences and perceptions, such as conflicted identities, injustice, oppression, or socio-economic exclusion. Personal grievances may be economic (such as losing a job or stunted mobility), social or cultural (such as racism or humiliation), or political (such as discrimination). Some grievances incorporate a sense of victimization by crime, including a perceived crime committed by the United States Government, as was the case with Timothy McVeigh and his view of the Government stand-off events of Whidbey Island (1984), Ruby Ridge (1992) and Waco (1993).

While understanding and addressing these grievances is one potential avenue for predicting and preventing violent extremism, the radicalization pathway is not a fixed trajectory, with specific, identifiable indicators that can be acknowledged on an itemized checklist of suspicious activities. Caution should be exercised against viewing radicalization as a conveyor belt that starts with grievances and ends with violence, with easily discernible signposts along the way.<sup>2</sup> Rather, a more effective approach is to identify the circumstances under which an individual can progress

<sup>1</sup>Task Force on Confronting the Ideology of Radical Extremism (March 2009). *Rewriting the Narrative: An Integrated Strategy for Counterradicalization*. Washington, DC: Washington Institute for Near East Policy.

<sup>2</sup>Patel, Faiza (2011). *Rethinking Radicalization*. Brennan Center for Justice at New York University School of Law.

to violence through the radicalization process yet beneath the homeland security radar.

An examination of radicalization yields broad questions regarding how a person becomes engaged, stays engaged, or may actually disengage from a group or extremist ideology. Terrorism requires a combination of three things—an alienated individual, a legitimizing ideology (engaged through radicalization), and an enabling environment. Of the three, it is the environment that is most susceptible to positive influences that, supported by appropriate policies and behaviors, can reduce the risk of HVE.

Our security policies and technologies are an essential component in the never-ending counterterrorism effort. Yet, as we encounter the threat from home-grown violent extremism, such as the kind seen in Boston, our National efforts should also address the role communities play in facilitating and more importantly, hindering radicalization.

#### RISK-BASED SECURITY AND POSITIVE COMMUNITY ENGAGEMENT

As law enforcement and counterterrorism officials analyze the Boston Marathon attacks, we should resist the urge to “fix” something, absent specific evidence of some failure or compromise of the system. Boston’s is one of the most famous marathons in the world, which from a National security and law enforcement perspective, brings with it a range of protective measures afforded to a Department of Homeland Security (DHS) National Special Security Event (NSSE).

Security is comprised of policies, processes, and technology. As it relates to environments like sporting events or critical infrastructure, the emphasis should be on policies that are risk-based—that is, focused on threats that present the most danger and are most likely to occur. We have the applied research capacity to and do model potential attack paths, given the desirability or utility yielded to an adversary. Interdisciplinary methodologies, such as our successful application of game theory and randomization, will continue to hold significant importance in holistic countermeasure strategies.

At the same time, recognizing that the goal is to contain terrorism and not simply stop terrorists, we should seek out opportunities to empower communities to take part in disrupting the radicalization process that could ultimately lead to violent action. Community inaction, either through tacit approval of extremist ideas or a hesitancy to speak up when encountering an individual exploring a legitimizing ideology, provides an enabling environment. Inasmuch as we strive to intercept individuals in their transition from ideological extremist to violent adversary, we should also work with communities where such threats may arise to disrupt the radicalization process altogether, both by addressing grievances, and by recognizing and encouraging stakeholder engagement.

One challenge in this case is the role on-line media can play in fostering violent extremism. Arguably, the internet’s capacity for propelling extremists through the radicalization process is the single most important and dangerous innovation since the terrorist attacks of September 11, 2001. The internet is in some ways a virtual community, and future attacks against the United States and its interests will likely involve adversaries who have traversed the radicalization process, at least in part, via the internet. Inasmuch as real-world communities can take part in preventing or facilitating violent extremism, the same is true for the digital environment.

Securing a democratic society is a formidable challenge, and we will never be completely free of the terrorist threat. In the aftermath of tragedies like Boston, the public is generally amenable to sacrificing certain liberties in the name of security. However, we must live by our principles, which in the United States are upheld by the rule of law. To alter our Government’s use and amendment of law with a reactive policy response to a terrorist threat is to concede victory to the adversary. What is more, singling out a person or entire community as suspect based on anything other than fact undermines the community cohesion we need to counter the persistent threat.

Collective vigilance and awareness of how grievances can make individuals susceptible to extremist ideas are fundamental tools that, when employed by counterterrorism officials as well as the public, provide essential supplements to the broader mission of preventing tragedies of the kind seen in Boston. Protecting the country is an on-going effort that must remain versatile in the face of creative and adaptive adversaries. Every step towards greater security is matched with a would-be terrorist’s exploitation of an unaddressed vulnerability. There is no finish line in homeland security.

Chairman MCCAUL. Thank you, Professor.

The Chairman now recognizes himself for 5 minutes for questions.

Commissioner Davis, first I would like to start with you. As I said, post-bombing, you know, the actions of police department and all law enforcement, Federal, State, and local, was unparalleled, and I commend that. But I would like to ask you a few questions about before the bombing.

Before the bombing, were you aware of the Russian intelligence warning regarding Tamerlan and the fact that he may travel overseas to meet with extremists?

Commissioner DAVIS. We have three detectives and a sergeant who are assigned to the Joint Terrorism Task Force. One of my detectives is actually in the squad that investigated that. We have access to all the databases, but we were not, in fact, informed of that particular development.

Chairman MCCAUL. Sir, it is fair to say that your police officers assigned to the Joint Terrorism Task Force did not know of this information?

Commissioner DAVIS. That is correct.

Chairman MCCAUL. Would you have liked to have known that information?

Commissioner DAVIS. In hindsight, certainly.

Chairman MCCAUL. Before the bombing were you aware that based on this Russian intelligence, that the FBI opened an investigation into Tamerlan?

Commissioner DAVIS. We were not aware of that.

Chairman MCCAUL. Would you have liked to have known about that?

Commissioner DAVIS. Yes.

Chairman MCCAUL. Before the bombing were you aware that Mr. Tamerlan traveled to the Chechen region?

Commissioner DAVIS. No, we were not.

Chairman MCCAUL. Again, would you have liked to have known that?

Commissioner DAVIS. Yes.

Chairman MCCAUL. Before the bombing were you told that he posted radical jihadist video websites on-line?

Commissioner DAVIS. No, Mr. Chairman, we were not aware of the two brothers. We were unaware of Tamerlan's activities.

Chairman MCCAUL. Again, would you have liked to have known that fact?

Commissioner DAVIS. Yes, sir.

Chairman MCCAUL. We know there was a Department of Homeland Security officer in the Joint Terrorism Task Force who was alerted of Mr. Tamerlan's overseas trips, a trip to Russia and the Chechen region. Were you aware of that information before the bombing?

Commissioner DAVIS. I was not.

Chairman MCCAUL. Were the officers on the—that you assigned to the Joint Terrorism Task Force aware of this?

Commissioner DAVIS. They told me they received no word on that individual prior to the bombing.

Chairman MCCAUL. After the bombing, after the bombing, were you made aware of this information?

Commissioner DAVIS. Yes.

Chairman MCCAUL. At what point in time was that?

Commissioner DAVIS. The information started to come in immediately upon our identification of Mr. Tamerlan—of the older brother on the morning of the Watertown arrest. So the shoot-out occurred late in the evening on Thursday into Friday. Friday in the early morning hours, we started to get information about the identity of the individuals.

Chairman MCCAUL. Commissioner Davis, if you had had this information before the bombing, would you have done—your police force and you—would you have done anything differently?

Commissioner DAVIS. That is very hard to say. We would certainly look at the information. We would certainly talk to the individual. From the information I have received, the FBI did that, and they closed the case out. I can't say that I would have come to a different conclusion based upon the information that was known at that particular time.

Chairman MCCAUL. If you knew of a Russian intelligence warning that this man is an extremist and may travel overseas, and the fact that he did travel overseas, and he came back into the United States, would that may not have caused you to give this individual a second look?

Commissioner DAVIS. Absolutely.

Chairman MCCAUL. Under Secretary Schwartz, the Department of Homeland Security funds these fusion centers. Was the fusion center given any of this information that I just asked the commissioner?

Mr. SOUTHERS. Like the Boston Police Department, the State police through its—through the Commonwealth Fusion Center, has, I believe, seven troopers assigned on a full-time basis to the JTTF. My understanding is that at no time prior to the bombings did any member of the Massachusetts State Police or the fusion center have any information or knowledge about the Tsarnaev brothers.

Chairman MCCAUL. The whole point of having fusion centers and Joint Terrorism Task Forces is to share information and coordinate. I used to work with the Joint Terrorism Task Forces. But the idea that the Feds have this information, and it is not shared with the State and locals defies, you know, why we created the Department of Homeland Security in the first place, and it is very troubling to me.

Senator Lieberman, you went through a litany of cases where individuals, al-Awlaki, Bledsoe, the Fort Hood shooting that you did a fantastic investigation looking at why the dots weren't connected. Here we are 12 years later. We put billions of dollars into this. Why are we still having problems connecting the dots?

Mr. LIEBERMAN. Thanks, Mr. Chairman.

Let me first say that the line of questioning that you have just carried out with Commissioner Davis and Secretary Schwartz and their answers are very important. This may be one of the most significant and painful takeaway lessons from the Boston Marathon terrorist attacks, because, particularly when you are dealing with home-grown radicals, the community around them is probably going to be your first line of defense. State and local law enforcement will always have a better knowledge of the neighborhood, of

the institutions that the people might be involved in. So I would say that the fact that neither the FBI nor the Department of Homeland Security in the one case of that Customs and Border Protection agent didn't notify the local members of the Joint Terrorism Task Force in Boston is really a serious and aggravating omission.

So, look, you know, as the commissioner said, nobody bats 1,000 percent. It is true. FBI and DHS, I am probably one of their biggest fans and admirers in the country. But here was a case, and they have got to look back at it themselves, why didn't they involve the local law enforcers who could have stayed on this case and picked up signals from the—some of the students who interacted with them, from the people in the mosque who threw out Tamerlan because he was such an extremist, seeing the videos that he posted when he came back from Dagestan, that could have prevented all this from happening?

So how do you explain it? You know, people are imperfect. But information is being shared in a technological way constantly. A lot of the old stovepipes have come down. But in this case, aggravatingly, we have two of our great homeland security agencies that didn't involve before the event the local and State authorities that could have helped us prevent the attack on the marathon.

Chairman MCCAUL. In closing, I completely agree with you, Senator. We have stopped so many of these cases, and they are very difficult to stop. I do applaud, you know, the FBI, Joint Terrorism Task Force, Department of Homeland Security, State and locals, but I am concerned and troubled by the fact that maybe in this case it wasn't shared even within the Federal Government jurisdictionally, and it certainly, by the testimony here today, was not shared with the State and locals, which you, I think, very excellently pointed out are really the eyes and ears because they are on the ground. If just maybe someone had looked at him when he came back, just going up on his YouTube website, may have seen that this person had radicalized after he came back from a very dangerous part of the world.

So with that, I now recognize the Ranking Member.

Mr. THOMPSON. Thank you very much, Mr. Chairman.

Mr. Chairman, I ask unanimous consent that the gentleman from Massachusetts, Representative Markey, be permitted to sit for the purpose of questioning the witness at today's hearing.

Chairman MCCAUL. Without objection, so ordered.

Mr. THOMPSON. Thank you.

Commissioner Davis, one of the other responsibilities we have as a committee is to look at what actually happened. If, in fact, the monies that we have provided to your Department were not available, and the training that went with the money, as well as the equipment, how would you have been able to respond to that situation?

Commissioner DAVIS. Our response would have been much less comprehensive than it was. We have received—just in the area of ordnance disposal, we have received funding to put trucks and equipment, protective equipment, for our officers.

Sergeant Chris Connally was there. He had just done something called cut and tags on a bunch of parcels that had been left by peo-

ple running away from the incident, and it was very dangerous work. I got to talk to him when he was putting his equipment on. He was clearing literally hundreds of potential bombs, very dangerous work that could not have been done safely without the money that we received from the Federal Government.

The training that we received has given us an opportunity to test our systems, and we have discovered gaps in radio communications, for instance, that were closed because of the training. Those gaps being closed caused us to be able to communicate with fire and other responding agencies interoperably that was not even—we were not even aware that we had the problem until we did the scenario training.

So the answer to your question is the response would have been much less than it was.

Mr. THOMPSON. Thank you.

Those funds have been an integral part of your Department's ability to respond like it has been.

Commissioner DAVIS. Right. That funding has not only set up response on the street, but has also put our fusion center, called the Boston Regional Intelligence Center—that operation has been put together with Federal funding. It helps us not only with the threat of terrorism, but also with the threat of homicide and other things that we deal with in the urban environment. That money is critical to our operation of the police department.

Mr. THOMPSON. Thank you.

Professor Southers, you are a former FBI agent. Commissioner talked about the need to engage immigrant communities, regardless of who they are, in this total process for identifying potential terrorists in our communities. Can you share with me your experience on the community engagement aspect of what we are talking about?

Mr. SOUTHERS. Yes, sir, I can. The commissioner is absolutely right that, with all due respect to intelligence that comes in, the most valuable information that you are going to obtain are from those community members, those family members, in this case perhaps those members of the mosque, who could have shared some information that the Joint Terrorism Task Force could have worked on.

We have seen in the past where—in a number of instances where working with the community, although it didn't stop people from leaving this country and engaging elsewhere, we were aware of, in fact, activities that were going on. To name a few, Adam Gadahn, who is with al-Qaeda and still outstanding possibly in Yemen, was thrown out of a mosque in Orange County, California, but not before the people in the JTTF and the FBI were aware of the fact of what was going on down there.

Samir Khan—and I know that *Inspire* magazine has been referred to a number of times since the incident. Samir Khan is an American. He was the editor-in-chief of *Inspire* magazine. He was in North Carolina and engaged by his family and members of the mosque, and, unfortunately, was able to leave the country before that information became known. It would have been very valuable.

Then last but not least, Omar Hammami, who is from Alabama and has left the country, but, again, was engaged by his family and

members of the community about the fact he was taking on a form of Islam that was not appropriate and is now engaged in al-Shabab, which is an al-Qaeda affiliate in Somalia.

So that kind of information coming from the communities that we need to help us is critical. It is very important that we don't engage in any activities that would compromise that relationship and, in fact, stigmatize that community from coming forward to let the appropriate authorities know what was going on.

Mr. THOMPSON. Thank you.

Senator Lieberman, good seeing you again. I am sure that the next life you now serve is a far less stressful one.

Mr. LIEBERMAN. Well, there is—one of my former colleagues in the Senate refers to it as the afterlife. It is okay out here, but I hope you and the others will stay here and do the important work you are doing.

Mr. THOMPSON. I wanted to get your comments. We have invested significant resources in getting communities and States where they can respond as the commissioner said. But also, I have heard you over time express concern that the Government's proposal to eliminate grants to State and localities is probably not what we ought to be doing. Can you share that, your thoughts on that?

Mr. LIEBERMAN. Yes, sir. Thanks, Congressman Thompson. Great to be with you again.

We are in a war, and as I said, it is against an ideology that is not receding. It is spreading, and it has taken a very difficult turn, which is, as we saw in the Boston case—because the only three attacks against America, terrorist attacks, that have succeeded since 9/11 are homegrown terrorists.

You can't fight this war without resources. I mean, the homeland security front is no different than the Department of Defense. The grants that we have created and funded have been critically important in this battle. Again I come back to the fact that that, particularly with home-grown terrorists, the State and law enforcers are in the best position to create the relationships within the communities that will allow them, and have allowed them in numerous cases, to stop terrorist attacks before they occur. They are simply not going to do it without funding.

Every level of government is pinched. There are a couple of police departments in our country, notably New York and Los Angeles, that spend a lot of money funding counterterrorism programs, and a lot of those programs are outreach to the community, and that is part of the reason why they have been so effective. In a way, part of what we are all saying here, at least I am saying, is we have to rely more in this phase, new phase, of this war with terrorism on the State and locals, and they can't do it without financial help from the Federal Government.

Mr. THOMPSON. Thank you very much. I yield back.

Chairman MCCAUL. The Chairman now recognizes the former Chairman of the committee, Mr. King.

Mr. KING. Thank you, Mr. Chairman. Let me thank you for scheduling this hearing. It is absolutely vital, and I commend you for it.

Commissioner Davis, first of all, thank you for your leadership. It was absolutely phenomenal.

Let me just ask you, though, from the time of the attack on Monday afternoon until the shootout early Friday morning, did the FBI bring to your attention at all the fact that the older brother had been under investigation by the FBI?

Commissioner DAVIS. No. We didn't start to look at that until after the shootout.

Mr. KING. So this is 3½ days after, and the FBI still did not make you aware of it.

Commissioner DAVIS. That is correct. I should stress that there was an on-going investigation and a lot of information coming in from a lot of different sources. But the answer to your question is no, we didn't look at the brothers until after the shootout.

Mr. KING. After the photos were posted late Thursday afternoon, did anyone from the local mosque come forward to identify either of the brothers?

Commissioner DAVIS. I am not certain of that. I don't know of anyone that did, but I know that there was some conversation with a group that we meet with frequently from the mosques called Bridges. But I am not quite sure what their role was in the conversation.

Mr. KING. Can you check and get back to us on that whether or not—to me, if their photos were all over television, someone should have recognized him from the mosque.

Commissioner DAVIS. By all means.

Mr. KING. Also, did anybody—did any student from UMass Dartmouth come by to identify younger brother?

Commissioner DAVIS. They did not.

Mr. KING. Senator Lieberman, first of all, it is wonderful to see you here today. During the time I was Ranking Member and Chairman, I didn't work more closely with anyone than you.

Mr. LIEBERMAN. Thank you.

Mr. KING. Conference committees, legislation, a joint hearing we held on Islamic radicalization in the military, I want to thank you for that.

In your statement, though, you must mention any number of times the term "violent Islamist ideology," "violent Islamist extremism." I have not heard one administration official, including the Attorney General and the President, use the term "Islamist." As Chairman McCaul said, how are we going to know the enemy if we don't identify the enemy?

Mr. LIEBERMAN. Well, I agree with that.

Look, we know that there are other sources of terrorism than violent Islamist extremism. We know that from the Oklahoma City bombing, we know it from the Unabomber. But it was self-evidently and publicly violent Islamist extremism that led to the attacks against us on that 9/11/01 and didn't take detective work. Osama bin Laden and everyone else declared that to be the purpose. They want to bring down America and our civilization.

You know, it is the old Chinese wisdom. A millennia ago, the first thing you got to know in war is who your enemy is, and you have to call it by its name. Now, I understand the sensitivity here. But I think in some sense it is unfair to the overwhelming majority

of Muslims in the world, and particularly our fellow Americans who are Muslim, to leave it unspoken as if somehow they are part of this.

It is obvious that the violent Islamist extremists are a very, very, very small minority of the community. The community in America, which is the one I can speak about, is—as we all know from our friends and neighbors, is law-abiding and patriotic. I don't think we do any service to them, in some sense it is almost unfair, not to call this by its name. We are all looking for the right words to distinguish this small group of radicals, extremists, terrorists from the great majority of—overwhelming majority of Muslims in this country, and maybe we haven't found the right words.

But in this case, what I gather happened in the mosque in Boston is very instructive. When Tamerlan Tsarnaev came back from his trip overseas, he was clearly radicalized. He began to speak in such an extremist way that I gather the people in the mosque asked him to leave. That is representative of, if I can say, the mainstream Muslim community in our country.

Mr. KING. Senator, I am running out of time.

Mr. LIEBERMAN. I am sorry.

Mr. KING. One statement I would like to make for the record, Mr. Chairman. We are talking about the lack of information sharing. I think it is absolutely indefensible that the FBI found out on Sunday that there was a planned attack against Times Square and never notified the NYPD. Here is a city that has been attacked twice, had 16 plots against it, and the FBI refused to give that information to the NYPD. Their reaction, when Commissioner Kelly and Mayor Bloomberg and I went public, was to criticize us, saying we were somehow compromising the investigation, at the same time saying the reason they didn't give the information to the NYPD because there was no threat, that it was not a real threat.

They can't have it both ways. The failure to share information is absolutely indefensible. I think they owe everyone an explanation as to why they withhold information. To me, it fits right into this pattern of keeping to it themselves and not sharing and not intending to stop attacks. I just can't explain it, I can't understand it, and, to me, it is a severe breakdown in law enforcement.

Yield back.

Chairman MCCAUL. I thank the gentleman. That is certainly something this committee will be looking into.

The Chairman now recognizes the gentlelady from Texas, Ms. Jackson Lee.

Ms. JACKSON LEE. Thank you very much, Mr. Chairman. I find this to be an overwhelming experience.

To the witnesses, let me thank you very much to be in this place and to be speaking about an attack on our soil.

I think it is important as I take a moment just to call the names of Martin, the youngest of 8 years old; Krystle; Lu Lingzi, and Officer Sean Collier. We should always take a moment—just a moment to recognize them.

I want to proceed with first enormous thanks, Commissioner Davis, for the leadership and heroics of everybody in Boston and our first responders. Many of us have worked with officers throughout our professional life. Again, we thank you, and we thank the

people of Boston and your great State, the Commonwealth of Massachusetts.

Commissioner DAVIS. That is kind of you. Thank you, Congresswoman.

Ms. JACKSON LEE. I want to pursue, Senator Lieberman, a thorn that if you can pursue for me, and we are limited in this time frame: The Russia contact. It still baffles all of us, in spite of diplomacy issues, why, if nothing else, that was not a trigger in our various centers, the Joint Terrorism Center, to, one, probe; and to, one, pursue that information and share it with our local law enforcement. What do you think happened?

Mr. LIEBERMAN. Congresswoman Lee, good to see you again.

I agree with you. Again, as you said, hindsight is always clearer. But this was an unusual circumstance for Russian intelligence to notify us about two Americans really. They included the mother originally, the Tsarnaev mother, in this case.

Now, we understand that we are operating in a context of mistrust between U.S. intelligence and Russian intelligence, and yet there is cooperation in some areas. So as I look back at this, it seems to me that the fact that this original notification—you kind of look back as you investigate at what went wrong—at what points could somebody have acted to stop this. This really should have raised it, this case, to a very high profile internally because of where it came from.

Now, as I said it in my opening statement, it could be that the most consequential failure to share information was the failure of the Russian intelligence to explain in more detail to us why they were interested in Tamerlan Tsarnaev. But if it had been raised to that level—and that is why I think—I hope you will go back and speak with the FBI and the Attorney General's office, take another look at those Attorney General guidelines to see if in any way they constrained the FBI from acting more aggressively or sharing the information with the State and local law enforcers.

Ms. JACKSON LEE. Let me ask the Chairman—thank you—for unanimous consent to put a number of questions in the record.\*

Chairman MCCAUL. Without objection.

Ms. JACKSON LEE. And to put an article from the *Washington Post* dated today in the record.

Chairman MCCAUL. Without objection.

[The information follows:]

ARTICLE SUBMITTED BY HONORABLE SHEILA JACKSON LEE

HOUSE COMMITTEE HEARING ON BOSTON BOMBINGS THURSDAY, AS INVESTIGATORS  
CONTINUE TO TRACE ACTIVITIES OF TSARNAEV BROTHERS

BY SARI HORWITZ AND GREG MILLER

*May 09, 2013, The Washington Post.*

Dozens of federal agents and local and state police officers are tracing the steps of the Tsarnaev brothers in the weeks and months before the Boston Marathon bombing, but they have not been able to connect them to a foreign terrorist organization, according to law enforcement and intelligence officials.

The House Committee on Homeland Security will hold a hearing Thursday on the deadly bombings, which killed three and injured more than 200. Rep. Michael

\*The information is included in the Appendix.

McCaul (R-Tex.), the committee's chairman, called for the hearing to investigate and review what U.S. agencies knew about the alleged bombers before the attacks.

Some reports have suggested that one of the brothers, Tamerlan Tsarnaev, met with militants in the strife-torn region of Dagestan last year during his six months in Russia. But one U.S. official, speaking on the condition of anonymity, said that issue was "still in the category of question marks."

At the same time, agents from the Bureau of Alcohol, Tobacco, Firearms and Explosives are trying to trace the gun that Tsarnaev allegedly used in a gunfight with police before he was killed April 19. They are hoping that identifying the first purchaser of the gun could shed light on where Tsarnaev obtained the firearm.

Tracing the 9mm Ruger handgun has been difficult because the serial number was erased. But agents were able to partly raise the number and are working on a handful of possible leads, law enforcement officials said.

FBI agents, working out of Boston's Joint Terrorism Task Force and traveling to other U.S. cities and abroad, are scouring computer, financial, phone, and travel records to learn all they can about the activities of Tsarnaev and his brother, Dzhokhar, before they allegedly detonated two pressure cookers filled with explosives at the finish line of the Boston Marathon on April 15. The agents are also conducting interviews with anyone who may have come into contact with the brothers in the United States or abroad.

"We are trying to determine the full story of this crime," FBI spokesman Paul Bresson said. "Anything and everything we can find out about it. There are still many, many questions."

Dzhokhar Tsarnaev, who suffered gunshot wounds and was captured, told FBI investigators before he was charged that he and his brother made the bombs in the apartment in Cambridge, Mass., that his brother shared with his wife, Katherine Russell, and their daughter. A law enforcement official said Wednesday that Dzhokhar told investigators that his sister-in-law was not involved in the plot.

Russell has not been charged, and her lawyer has said she was shocked by the bombing. An FBI spokesman said the bureau is still investigating whether she was involved.

Even as that criminal probe proceeds, there is a parallel effort to produce a multi-agency assessment of the "radicalization" of the Tsarnaevs, officials said.

The U.S. official said that the FBI, the National Counterterrorism Center, and the Department of Homeland Security are developing a formal intelligence assessment on the factors that moved the Tsarnaevs toward hard-line Islamist views, and whether there was a single development or tipping point in their alleged turn to violence.

"We need to understand it to counter it," the official said. "From that we look at how do you put a brake in the radicalization process, and can you put something in that path to detect it."

The official said the research, which involves experts on radicalization at NCTC and other agencies, is expected to take several months, culminating in a formal intelligence assessment that could be distributed across the executive branch.

Officials seeking to reconstruct the plot said the Tsarnaevs may have left fewer clues because they appear not to have communicated extensively with each other about the alleged plan, or with other individuals.

"The problem here is you've got two brothers," the official said. In other cases, including the shooting at Fort Hood, Tex., in 2009, the suspect was accused of communicating with al-Qaeda operatives overseas or seeking other direction and help in the attack.

Ms. JACKSON LEE. Thank you very much.

Let me go to Commissioner Davis and just simply say that this probe has to continue.

In the course of information coming to you, did the Homeland Security Department provide you with any information about the student visa or the visa of any of the second-tier individuals that were arrested earlier than the fact of the bombing that occurred? Did you get any information about there was some concern about the visas dealing with the senior brother and then the others?

Commissioner DAVIS. We did not. We have a Homeland Security analyst in our BRIC, the Boston Regional Intelligence Center, but neither the BRIC nor the JTTF—

Ms. JACKSON LEE. You feel confident you could have acted on that information or at least had a structure in your operation that could have looked at that.

Commissioner DAVIS. We certainly have a structure that would have looked at it, yes.

Ms. JACKSON LEE. At this point is there any mass labeling of the Muslim community in Boston?

Commissioner DAVIS. That is always a concern of ours. I have met with members of that community, and they are concerned about it, but there have been no incidents reported to me.

Ms. JACKSON LEE. Professor Souther, what would be the better way of dealing with the vast number of Muslims in this Nation that, in essence, pay their taxes, serve in the United States military, and call this country a country that they love? How do we work with this community for those 100 percent, 99 percent who want to do well?

Mr. SOUTHERS. Congresswoman, the most important thing we can do right now is to build a bridge instead of a wall. Any community or family can facilitate radicalization by inaction, and that is what we don't want at this point. We want an engaged community. We want a community that feels comfortable and confident in sharing information. As we have seen time and time again, as the Senator alluded to, a number of thwarted plots have come because we have had an engaged community. So at this point bridges are very important.

Ms. JACKSON LEE. I thank you.

Is this a partisan—I think, Senator Lieberman, you made a very good point, so let me just conclude it on the record, that this tragedy, for those of us who started on the Homeland Security Committee and the Select Committee on Homeland Security devising this Department, this is not a place to raise a partisan divide between Congress and the administration. This is a place to stand against this ever happening again. Professor, would you say that?

Mr. SOUTHERS. Absolutely, Congresswoman.

Ms. JACKSON LEE. Senator Lieberman.

Mr. LIEBERMAN. Yes, ma'am. Thank you for saying that. I appreciate it. That is most important. It should be unifying, really, because we are all in this together.

Ms. JACKSON LEE. Absolutely. To save lives.

I thank you, and I yield back.

Chairman MCCAUL. Excellent point.

The Chairman now recognizes the Vice Chair of the committee, Mrs. Miller.

Mrs. MILLER. Thank you, Chairman.

Again, we have all said thank you, and we just can't say thank you enough, out eternal gratitude and gratefulness and admiration for what all of you have done on that terrible, terrible day.

You know, I was mentioning to the commissioner before we came in here one of the counties I represent has an annual breakfast where all the first responders, emergency management come. It was last week. We had 700 people. That was almost the entire topic of conversation over in Michigan about what you all did in Boston, and how well you reacted, and how you responded; and that one of the most heartening things, I think, and anybody that

was watching the TV that didn't have tears in their eyes when they watched all the people on the sidelines as you were exiting the neighborhoods after you caught the second murderer applauding, people applauding the first responders. That was a remarkable moment, I think, for every American, and certainly something that none of us will ever forget.

One of the things that Senator Lieberman mentioned when you said the battlefield—you mentioned the Christmas day bomber. I will just pick up on that, because I am from Detroit. We are facing a new type of enemy now, something that our country has not faced in the past, who see the battlefields asymmetrically, who see the battlefield in a different way. The battlefield that day was seat 19-A of that Northwest flight for that murderer, attempted murderer. The battlefield then was at the end of the Boston Marathon.

So there has been a lot of talk about information sharing, and I am very appreciative of the questions and the comments about that. But I guess I—my question today would be about how—as we go forward, how we can better resource and utilize existing resources for our first responders not only at 9/11 when we remember it was the first responders who responded, not really the military. In this case, of course, we had the National Guard that were a force multiplier for you. I think in these days of economic times perhaps there is a way—and I would ask for some comments on that—how did the National Guard actually meld into your—what you were doing there?

I just ask that because I am wondering if there is a way, as we are resourcing the National Guard, whose role really has changed and expanded since 9/11—we all have National Guard units in every State—about doing a joint—perhaps joint training exercises with our first responders, all kinds of various things that they may be able to utilize that you could utilize as well.

I mean, I have got a big National Guard. I am just outside of Detroit. We have a big National Guard base there. They are everywhere, really. Perhaps this is a way that we could have them share—even though they are under DOD, really, I think there is a lot of application, things that we are already resourcing through the Department of Defense, through the National Guard, that may have—we could utilize better from training exercises, et cetera, with the first responders. I don't know what you think of that, Commissioner, if you have any comments on that?

Commissioner DAVIS. I don't know what the National standard is, but I can tell you in the city of Boston and throughout Massachusetts, the National Guard has been at the table for all of our training exercises back to just after 9/11. One of the big roles that they played immediately after was the CBRN detection and having units that could come in and monitor to make sure there were no chemicals or other things that we had to be concerned about in the environment.

But the day of the marathon, they were an integral part of our preparation. They had already been deployed prior to the bombing to assist us in our traffic control and security operations. So there were several hundred National Guards people at the scene. The general came right into the command post, one of the first people to arrive. He was tremendously helpful. By the end of the day, we

had over 1,500 troops available to us, assisting our officers in securing, as I described, the most complex crime scene that we had ever processed in the city of Boston. Those troops stayed on the ground for a 7-day period until that scene was shut down.

But more than just perimeter security, they arrived at the scene of the pursuit and brought equipment in. At one point we needed three of our SWAT teams to deploy out to Dartmouth, Massachusetts, and they brought in helicopters to make that happen. Blackhawks came in and took the teams out. The State police have helicopters, but they were nowhere near as large as we needed to move people around.

So General Rice played a very—a critical role in not only preparation and prevention, but also response after the incident happened.

Mrs. MILLER. I appreciate that. My time is up, but I ask that question—I am so delighted to hear all of that, because I think that is an area where we can—I think as a Congress needs think about melding some of the various things that are happening with the National Guard in response to the—with the first responders, et cetera.

Just in my own area there, on our National Guard base, we actually have an air and marine wing from the Department of Homeland Security with an operational integration center, which all the information is fed by all the affected stakeholders and then used for—principally for border security. But we have used the National Guard along the border. But I just think there is something that the Congress needs to think about more. So I am very appreciative of your answer. Thanks.

I yield back my time.

Chairman MCCAUL. Thank the Vice Chair.

The Chairman now recognizes the gentleman from Massachusetts Mr. Keating.

Mr. KEATING. Thank you, Mr. Chairman.

I was just going to delve quickly into while everything was going on after the explosion. The big picture is just extraordinary coordination, amazing, all that training, all that effort, and heroism that was involved in that. But I think we want to look carefully at some of the information sharing even during that period.

You mentioned, Commissioner Davis, that you first learned of the individuals that were terrorists Friday morning, just the senseless killing of Officer Collier. At that moment, can you share with us who linked that in first to the terrorist attack, how that information was conveyed to you, how soon did—were you able to put the identities of these people and connect it to that atrocity as well?

Commissioner DAVIS. I can certainly speak about the pursuit of this—of these individuals. I hesitate to get too far into who knew what when as far as the identification, because it is part of the ongoing criminal case. But let me do the best I can to answer your question.

We received word of Officer Collier's murder within 30 minutes of the incident occurring. I received a call at my home.

Mr. KEATING. From whom?

Commissioner DAVIS. I received a call from Superintendent Paul Fitzgerald, who was at the FBI command post at that time.

But the information that we had received was that it was most likely associated with an armed robbery that had occurred prior. They were not establishing a link to our investigation at that point in time, but we were highly suspicious of it, and everyone was concerned about it.

But after a couple of phone calls, we sent officers to assist. My chief of the department went to the scene and had a conversation with lieutenant colonel in charge of the investigations for the State police, who was running that scene, and the first indications were it is probably not related.

But after the carjacking occurred, it was clear that there was something going on. We deployed more officers into the area at that point, and certainly as soon as the Watertown officer engaged the suspect and there were reports of firepower and bombs being involved, there was no doubt in our mind. So that is the way the thing progressed.

Mr. KEATING. You were informed Friday morning about the identities. Who conveyed that to you?

Commissioner DAVIS. The FBI. The FBI teams had been sent to process the body, and they were very quick to identify who the individual was that was killed in the shoot-out.

Mr. KEATING. Yeah. This is going on on so many levels. The area that I think is worth pursuing, it was mentioned here, is the messages they received from Russia. I am curious about people's thoughts. I don't think there is anyone that would have an answer.

Exactly—when the FBI tried to get more information, if they were so interested in this person and initially informed the FBI, when the FBI tried to get further information from them, they didn't get any even though they had asked. I know there is just such a history of distrust, but there is such an opportunity for mutual benefit in terms of both countries' security in this area, especially in the Caucasus region. But it is clear that the insurgents in the Caucasus region now are just not focusing only on Russia, but Western Europe and the United States now. So this communication is going to be so important.

Either Professor Southers or past-Senator Lieberman, you could shed some light on how we can pursue better communications when it is so much in our benefit to do that.

Mr. LIEBERMAN. Thanks, Congressman. I think you are onto something very important. I mean, look, I am sure you know that particularly—well, in the aftermath of 9/11, a remarkable and very important transformation has occurred in the FBI, which is that it has become a first-rate domestic intelligence counterterrorism agency, and as part of that, offices have been opened around the world, including in Moscow, as part of a—to create the relationships that will lead to information that will enable them to better protect us here at home. But the—and, again, this is all part of an on-going investigation. I urge you to bring in the folks from the FBI and the CIA to talk about this.

But from what we know now, the notice from Russian intelligence to the FBI and the CIA was very vague. Of course, most significantly, as much as I know now, nothing was shared with us

about what the Russian intelligence found out about what Tamerlan Tsarnaev was doing in Dagestan and Chechnya. There were media reports that he was meeting with a leader, a radical leader, et cetera, et cetera. We do know that when he came back, he showed great—I mean, much greater signs of overt extremism as in the mosque which pushed him out.

So, you know, President Putin made a statement along, I believe, with President Obama, maybe it was with Secretary Kerry when he was there, that we have a common enemy here. It is true. We should be working together better. That is true. But that didn't happen in this case, and that was very consequential.

Mr. KEATING. Quick question, if I could, Mr. Chairman, to Commissioner Davis or Under Secretary Schwartz.

In New York they have camera systems that are all synchronized and coordinated. Is that unique to New York? Is that a pilot? They are trying to make the cameras that are there more efficient because of the coordination. I don't know how familiar you are. We had a witness last week from New York talking about that. Could that be helpful in other cities?

Mr. SCHWARTZ. It is certainly not unique to New York. When we look across Massachusetts and our investment of homeland security grant dollars, whether it is UASI dollars, State homeland security grant dollars, transit grant dollars, we certainly have a history of investing in cameras, video surveillance. I have visited the BRIC, which has a quite complex, sophisticated system that—within the city of Boston. We also have capabilities, for example, in the State emergency operation center to tie into transit system cameras, highway system cameras.

I think in the days, weeks, months ahead, as we begin to process what we have been through and think about how we are going to deal with security around events in the future, we will have to spend more time looking at and probably investing in not just in the cameras, but what we really need to also focus in is the analysis capability, the technology behind the cameras. Civil liberties always also being important; we have to balance.

Mr. KEATING. Thank you very much.

Thank you, Mr. Chairman.

Chairman MCCAUL. The Chairman now recognizes the gentleman from Pennsylvania, Mr. Meehan.

Mr. MEEHAN. Thank you, Mr. Chairman. I thank each of the distinguished panelists.

Let me start first, and, Secretary Schwartz, Commissioner Davis, thank you for your great service. Obviously the worst of circumstances also give an opportunity to have people seen at their best, and I think Boston presented the best of what America is all about.

I also think a theme of communication has come through here. I want to credit you with an important thing during the process: The ability for your entire group to communicate, and regularly, through the media, but that created a sense of cohesion and an ability for America to follow on during a very difficult time. I think that was a critical thing.

The second factor you have noted in your written testimony, the ability to communicate among each other, which included as well

the ability of a separate capacity for law enforcement across jurisdictions. It is a great story of steps that have been done.

The last thing, however, is we have talked about communications you did not receive from the FBI or others. I know nobody wants to go through this event, but you did, and the after-action report, the analysis, you will watch the films, and it will be one of the places we can learn. So we encourage you to be critical as you go through that process and help us all learn together. But I congratulate you on the wonderful work.

The issue of communication is an aspect of this and how people are doing it today. One of the things that bothers me is Tamerlan Tsarnaev is identified as having watched on-line videos of Anwar al-Awlaki. We are seeing a bit more of that. We looked at hearings about people who did this. Senator, you have been discussing the idea that it is the ideology. That is something we are focused on.

Who has the responsibility to identify places where the ideology is being centralized, and it is serving as the place that people are gravitating to? Is the internet companies? Is it law enforcement? How do we look at that location as the place upon which we can monitor and puts the appropriate level of monitoring?

Mr. LIEBERMAN. Well, again, a very important question, not an easy one to answer. I mean, I can tell you, as you probably know, that there is a lot of monitoring going on now by American law enforcement agencies of violent or jihadist websites, of chat rooms, et cetera, and that has really been important.

But it is very hard to control, for instance, the uploading of violent YouTube sites. I mean, in this case, Tamerlan Tsarnaev, as we know, started a YouTube channel of his own on which he was putting on al-Awlaki and other violent Islamist extremist advocates.

I forgot the number, but tens of thousands of such channels go up every hour on YouTube. For a period of time—and Google, YouTube, has community standards, which is quite admirable, because they can't prescreen everything that goes up.

For a period of time, I had someone on my Senate Homeland Security staff who was trying to follow those websites, and when he would see one that was violent, he would notify—he would make a complaint to YouTube. They would submit to it a board, and they pulled a lot of them down.

In this case—so it is very hard to do this. So I don't want to go to on too long and take your time. I would say two things. In this case what I am agitated by for all the reasons we have talked about is why nobody was particularly looking for the name Tamerlan Tsarnaev. By the time he came back from Chechnya, Dagestan, and put up that channel of his, somebody should have been on him.

Second, and the most important, responders to this ideology are people within the Muslim community. Again, they obviously are the great majority, overwhelming, that don't accept this ideology. The rest of us can try by our outreach and by our advocacy to confront the ideology. But they are our allies. The Muslim-American community is probably one of our greatest allies in this effort to stop the ideology. It is not as easy as stopping an enemy. Forgive me, but as thrilled as I was when we took down Osama bin Laden,

and as hard as that was, that was a direct target. It is a lot harder to confront an ideology and to overwhelm it.

Mr. MEEHAN. How do we connect the guidelines? I mean, do we have to change the Department of Justice guidelines with respect to how far they can continue to hold investigations open? Do we go back and revisit whether or not people have visited these kinds of jihadist websites once we have had some kind of a, you know, predisposition, when there has already been a report, as you said? I mean, where do we start to—I am disturbed that the FBI would have had information, which we have already identified, which made him a suspect, or at least a person of concern. They closed the book, but subsequently we discovered what you have just talked about, which is his participation in the violent jihadist websites.

Mr. LIEBERMAN. Well, I don't have an easy, quick answer to that question, but I will tell you I have learned enough from this case, and I appreciate your question, to feel very strongly that this committee, that the administration, the Department of Justice have to review the existing Attorney General guidelines for investigations by the FBI, and, most importantly and directly, to determine whether those guidelines constrained the FBI to stop prematurely, as we look back now, stopped the investigation of Tamerlan Tsarnaev after they were notified by the Russians. Did they in any way send a message to the FBI agents that they shouldn't share this information with the local law enforcement until they had a greater level of proof that a crime was about to be committed?

That is a very high standard. It is so high that it probably won't allow law enforcement to act before the crime or, in this case, the terrorist attack occurs.

Mr. MEEHAN. Well, thank you, Senator. My time has expired.

But, Mr. Chairman, I do hope that is an issue that we can use as a stepping-off point with the committee.

Chairman McCAUL. Excellent point. You being a former U.S. attorney, me a Federal prosecutor, I think these AG guidelines need to be looked at.

With that, I recognize the gentleman from Texas Mr. O'Rourke.

Mr. O'ROURKE. Thank you, Mr. Chairman.

Commissioner Davis, I also want to thank you, and through you the first responders who responded so heroically and capably after the attacks.

Commissioner DAVIS. Thank you.

Mr. O'ROURKE. Really appreciate that.

I also want to tell you that I appreciate your comments about the difficulty in balancing greater scrutiny with the community policing that you must do in order to be successful.

Like you, I live in an international community in El Paso, Texas, one whose success is predicated on our relationship with Mexico, on our ability to welcome immigrants. I think our chief of police and our sheriff in El Paso would agree with me in saying that we have routinely been named one of the safest, if not the safest, cities over the last 10 years in large part because of our immigrant community and not despite it.

Following on the Chairman's remarks about terrorists who would seek to force us to change our way of life, in El Paso our way of

life has already been changed following this Boston attack. Now students who are coming across our international bridges to attend school at the University of Texas at El Paso are undergoing secondary inspection. We received calls yesterday; some are being detained up to 8 hours as they try to reconcile data between that shown on their visas and those in the computer systems the CBP is using.

How—as someone who has this responsibility, what advice do you have for cities like ours to enable positive relations with the large immigrant communities there so that immigrants and their families feel comfortable coming to you with information that will help you in enforcing law and keeping those communities safe, and at the same time balance the need for greater scrutiny and vigilance in ensuring that something like this doesn't happen again?

Commissioner DAVIS. That is a great question, and it is a complex answer to it. It starts off with developing relationships in immigrant communities, something that we have paid particular attention to in Boston over the last 10 years, 20—15 years since community policing has been put into place.

We do outreach in minority communities by doing community policing training in Spanish. You know, we try to—we try to do specific outreach to the Latino community because there has been such an influx in some of our neighborhoods.

Those—I go to those classes, and I listen in, and I have an opportunity to talk to people who have newly immigrated to the United States, and they are incredibly thankful for the work that we are doing in outreach to them. We have developed information not because—not through infiltration, but through appealing to their sense of community and Nation.

I think that is the answer to this in large part. You need to—you can't develop a relationship with someone in a crisis; it has to be developed before the crisis. So there has to be real attention paid to who is in our community and what are we doing to talk to them. We do that through outreach classes, but we are also having great luck with social media recently. So the whole use of social media as a dialogue, not just a loudspeaker, but a dialogue between the police and the community, that plays an important role in our ability to do outreach to people.

As it relates to stops at the border, it is really important that the bureaucracy doesn't guide the whole interaction, that there is some human interaction there and some logic to those communications that happen at the border. I think that is the key to it. The horror stories that we hear are usually a result of someone following a script that has—that has rules and regulations, but no logic to it. I think there is a combination of both that needs to happen. But, again, we are shooting for perfection, and it is difficult to achieve.

Mr. O'ROURKE. As you said earlier, no one bats 1,000. I am concerned that we not overreact, and, as Professor Southers said, that we not try to fix something before all the facts are in or, in fact, we run the risk of changing a way of life and inadvertently compromising our ability to gain intelligence and to gain the cooperation of these immigrant communities. I want to make sure, as someone who represents one of the largest immigrant communities in the United States, that that is not what we do going forward, be-

cause it will again inadvertently compromise our ability to make our communities safer.

So, again, I appreciate your answers, your comments, and the work that you and the people that you represent have done to make this country safer. Thank you.

Chairman McCAUL. Thank you.

I want to advise Members votes have been called. We have about 6½ minutes. I am going to allow Mr. Duncan to ask his line of questioning, and then we will, as I understand, recess. I understand the witnesses are willing to remain available. We will be back after votes around 11:35.

With that, Mr. Duncan is recognized.

Mr. DUNCAN. Thank you, Mr. Chairman.

I want to start off by saying that I believe that the former Chairman of the committee Peter King needs an apology from mainstream media. He was vilified, demonized for holding radicalization hearings, and we saw just radicalization of Muslim youths happen with regard to Boston. So that is—I just want to throw that out there. I appreciate Chairman King's leadership as well as yours on this issue.

Multiple conflicting reports indicate that Tamerlan may have been listed in one or more Federal terrorist databases; we know that FBI's TIDE database, but he possibly had a terrorist watch list or a terrorist screening database, TSDB, and possibly a Treasury Enforcement Communication System, or TECS, file. So multiple different hits and different databases that may have alerted someone in law enforcement that he was a danger.

The Federal Government has known about information-sharing challenges for years. We talked about this in the last Congress and kind of pursuing some of that in this Congress about IT systems, and communications, and information sharing and cross-referencing. I can do a Google search on Senator Lieberman and find out a lot, because these search engines are able to—on the private sector able to interact and share and cross-reference that type information.

Since 2005, the GAO has sounded alarms about terrorist-related information sharing by placing it on its high-risk list. According to GAO, the Federal Government has made no substantial progress in developing a system to strengthen the sharing of intelligence, terrorism, law enforcement, other information among all of its stakeholders, including Federal, State and local, Tribal, international, and private-sector partners. We just heard that the local and State law enforcement, as part of the JTTF, were not notified of information that the Feds may have.

So we are struggling to connect the dots with regard to the cross-referencing or information sharing. So if the dots had formed a picture, or the intelligence had been shared more effectively, Commissioner, do you believe we could have prevented the attack?

Commissioner DAVIS. It is—I can't answer that in one word. It is hard—I think the answer is, it is hard to say. Someone looked at this initial information and closed the case. So there was an assessment that there wasn't enough there to do anything more than an initial interview.

That all has to be reviewed as to what factors occurred during the interview, and I haven't seen that information.

There is then other information that is coming in that there were further databases that were—that may have had wrong information in them. All of that has to be looked at very closely, and I guess in hindsight, if you were to be able to connect all of the dots on that first, during that first interview, there might have been an open case there that would have caused the FBI to brief everyone in the JTTF on it, and we would all know about it and we would all make a decision as to what each particular agency wanted to do with that information.

But you have to look at the timeline as to who knew what when to make a determination as to whether or not mistakes were made. I don't have the answers to that right now. So if we knew everything that we know now, absent the blast, well, before the—without the blast being involved in it, but if we knew all of these things that have come out since then, we would have taken a hard look at these individuals. But at this point in time, I can't say that when we knew things, that we would have done anything differently.

Mr. DUNCAN. I mean, I am just amazed that files are actually closed on someone who we were notified by a foreign country that they may have had ties to terrorism, and they actually close the file. That—you know, his name wasn't put into a system and once we realize that this gentleman may be—let me back up and say, I am amazed that the American people, the general public in Boston had to identify this guy; that somebody within the FBI or JTTF didn't go, wait a minute, that guy looks familiar. Didn't we investigate him a couple of years ago? They had to rely on the folks within the Boston community to identify him.

One thing we talked about in this committee is the fact that CBP has a system. ICE has a system. FBI has a system. NCTC has a system, and that if you want to research information about certain individuals, you have to go into one system with a separate password. If you want to go into another system, you have to come out, maybe go to a different location, enter the new password in a different system, and do this over and over to make sure that you have got the redundancy necessary to find out all of the information, whether it is a visa screening, or whether it is an act of terror of an individual that is suspected. So we need to work, and I think Senator Lieberman, this was partly why DHS was set up, so that it would be the hub and the wheel to share all of that information so that we wouldn't have the mistakes made that we saw leading up to Boston that we are starting to discover now.

So I think this hearing is very timely, to raise that awareness within the eyes of the American people, that DHS is the hub and the wheel, and we spent hundreds of billions of dollars to do this, and I don't believe it has been effective as seen by Boston.

So thank you for you-all's service, Commissioner, God bless you, and God bless all of the first responders. With that, Mr. Chairman, I yield back.

Chairman MCCAUL. Let me thank the witnesses for their patience. We stand in recess subject to the call of the Chairman. We

will reconvene 10 minutes after the conclusion of the votes, about 11:35. Thank you.

[Recess.]

Chairman MCCAUL. The committee will resume. I want to thank the witnesses for their patience in sticking around during votes. I know it was long, but I do want to proceed with this hearing so we can let you go.

Mr. LIEBERMAN. Mr. Chairman, I just want to say that now I know what all those witnesses were going through for all those years when we adjourned to go and vote.

Chairman MCCAUL. It is tempting on the other side, isn't it? With that, let me go ahead and get started, and Mr. Horsford is recognized for 5 minutes.

Mr. HORSFORD. Thank you very much, Mr. Chairman. I want to thank you and the Ranking Member, and I want to join with your remarks earlier in thanking, particularly Commissioner Davis for the hard work of the first responders. You performed exemplary, and it was an example of, you know, how we need our first responders to react. To the entire city of Boston, and the Boston Police Department, you know, as the Chairman and the Ranking Members have already said, thank you for your service.

Without a doubt, the rapid response by the Boston's first responders, really made a significant difference. I want to point out something in your testimony. You stated that the Federal Government provided invaluable assistance both in helping us prepare for, and respond to this tragic event. Preparedness training provided through UASI and other Federal funding set a framework for multiple jurisdictions to work seamlessly with one another in a highly effective manner.

In studies on terrorist's targets, the RAND Corporation, has stated that Las Vegas, the district that I partly represent, stands out in having a high proportion of high-likelihood targets compared to the Nation as a whole. But the same study also reports that the unique composition of hotels, casino, and skyscrapers increases the overall attack probability in Las Vegas relative to other cities in the same likelihood tier. Yet, in my home State of Nevada, our Urban Areas Security Initiative faces reduced funding because of flaws in the relative risk profile model that has inexplicably dropped Las Vegas' ranking as a likely terrorist target.

So my question is: Have you seen the same reduced level of funding in Boston over the last couple of years, and if so, you know, what has that been, and how are you grappling with it?

Commissioner DAVIS. Thank you, Congressman. Sheriff Gillespie and I have met frequently on this challenge, and we traveled to the Middle East this past July and visited police officials in Jordan, in Israel, and in the Palestinian Authority. We had direct conversations about the threats that they are dealing with and how they respond to them. That just cemented in my mind, and I am sure in Sheriff Gillespie's mind, the need for us to be prepared. UASI is simply the best vehicle that we have at the local level to make that happen. We have not received significant cutbacks. There have been some cutbacks, but we were facing the same threat several years ago and overcame it.

I can tell you that I am convinced now, after responding to this incident that if we had not trained through the UASI process—they funded a joint terrorism training preparation, and something called Urban Shield. If it was not for the—those preparations, there would be more people who died in these attacks. It is critical that we maintain that funding to urban areas. This is not a frivolous expenditure. It is something that I have seen work, and it also gives us—we are the people on the ground. We know what we don't have, and we know what we need to get, and the less bureaucracy around that, the better off for us. That is what UASI has done for us.

Mr. HORSFORD. Thank you, and thank you for recognizing Sheriff Gillespie, and I was meeting with him and our assistant sheriff at our counterterrorism center just last week, where they, you know, shared with me the fact that in our case, we went from a peak of \$9 million of UASI funding to under \$2 million recently. So, you know, that is a 70 percent reduction in 5 years. It is a huge impact at a time when the threat appears to be increasing and so what are your recommendations to us as, you know, policymakers at the Federal level, any of the witnesses, on how we need to prioritize, you know, these funds in order to support your work as first responders or other leaders in this regard?

Commissioner DAVIS. Just briefly, I will just add to my comments by saying that the priorities that you funded worked very well for us, and we should continue that. But that added component of giving us the ability to meet with foreign police and military leaders who are dealing with this threat, and understand what they are going through in their countries, as I said, we are an international city. That knowledge, I traveled with PERF, Police Executive Research Forum, who funded that. But that trip and the conversation I had with the people in London about the way they responded to the two bombings drove this investigation. I can't tell you how invaluable it is. Thank you.

Mr. HORSFORD. Thank you. Thank you, Mr. Chairman.

Chairman MCCAUL. The Chairman now recognizes the gentleman from North Carolina, Mr. Hudson.

Mr. HUDSON. Thank you, Mr. Chairman, and thank you to our witnesses. I know it is a long day for you, but I really appreciate your being here. I would like to, at the outset, recognized there were some victims of the Boston bombing from Charlotte, North Carolina, the Gross family, and I just want to again reiterate what this committee said before, that our thoughts and prayers are with the victims and the families. There are many that are still on the long road to recovery, and we are going to keep them in our thoughts and prayers throughout this process.

I guess I will start with Commissioner Davis. One of my lines of questioning I would like to go down has to do with the type of information sharing when it comes to top-secret information. I assume that you and the under secretary have clearance, a certain level of clearance and maybe the folks on the Joint Terrorism Task Force have top-secret clearance and are able to see the same information DHS and other agencies have, is that correct?

Commissioner DAVIS. That is correct, sir, yes.

Mr. HUDSON. Do you feel like that there is—that you have an adequate access to that information through the folks in the JTTF, you and your staff?

Commissioner DAVIS. Yes, I have been assured by the special agents in charge that whatever information comes to their attention that affects my community, that I will get that information, myself and the mayor as well. Mayor Menino is briefed in on any threat that manifests itself, and that has worked over the years. We have got information from them on various things that were evolving.

Mr. HUDSON. Well, and from your perspective, though, do you feel like the mechanisms are in place to get top-secret information to your department through the State agencies, the dissemination of information? Do we have the proper mechanisms in place to get the information you need on threats?

Commissioner DAVIS. The mechanisms are there. We have top-secret and secret computer systems that we have access to in our Boston regional intelligence center. We have rooms that allow that to happen. We frequently talk about issues that come up, and so I think that the mechanisms are in place, yes, I do.

Mr. HUDSON. Great. I guess the other layer of that then would be when you have got this top-secret threat information that is shared from a Federal agency to your department, but then you have got your patrol officers out there, and you want them looking and eyes open, taking that information from top-secret level to a lower level of secrecy that could be disseminated on the patrol level, is that something that you are equipped to handle? Is that something that—has that become an issue? How have you dealt with that in the past?

Commissioner DAVIS. Each case is different, Congressman, and we have had debates as to what goes out and when it goes out. So we, you know, from my perspective, I err on the side of pushing information out quickly. There are always deliberations about that. There are always conversations about what is appropriate to get out to a wider audience. But the protection of my officers and the protection of my citizens is my driving motivation to get as much information out as quickly as possible.

Mr. HUDSON. Well, I think that was clearly evidenced in this situation while the world was watching. You and your department did an exemplary job, and I really appreciate on behalf of the American people what have you done.

Commissioner DAVIS. That is very kind of you, sir. Thank you.

Mr. HUDSON. Well, I guess the essence of my question is: Does the Department of Homeland Security need to do more to help you sort of develop the information, then take it from a top-secret level to the information that can be disseminated on the patrol level? Do we need to look at ways to do a better job on the Federal level to help you process or package that information so it can be distributed to your officers? Is there a need there for that type of assistance?

Commissioner DAVIS. My belief is that in the 10 years since 9/11, these mechanisms as you stated, have been put in place, and they work well. However, I think that in this area, like we do in a lot of other areas, there should be a constant process of improve-

ment. We should be always examining what we are doing and moving it to the next level. We have incredible new tools that have just developed in the last few years with computers and communications equipment that have not been factored in appropriately, and so let's—let me just say briefly on the radio and communications side of it, okay, so when we talk about street-level communication, what I can get out to my officers and who is talking to who, we have not moved forward as quickly as we should in that particular area. I think that has to be looked at.

But when you stop there and you move up the chain as to who talks to who when, and what information is available, it all has to be examined all the time. I think this incident is going to be a good case study.

Mr. HUDSON. Well, thank you for your answers, and I agree, and I think that this committee's approach should be, and is to look at lessons learned, look at moving forward, how we can improve, and again, try to be right 1,000 percent of the time is the goal.

Commissioner DAVIS. Thank you.

Mr. HUDSON. Thank you. Mr. Chairman, I yield back.

Chairman MCCAUL. I thank you for that. I unfortunately have to step out for a minute, so I am going to turn the gavel over to a very experienced individual, Mr. King, who chaired the committee for 6 years, correct? But before I do that, let me just say, Senator, thank you so much for your advice, counsel, under secretary, professor, Commissioner Davis, your presence here today is, really means a lot to all of us, and your testimony, and to the people of Boston. We support you in your efforts. Let me also say thank you to the mayor for allowing you to come here today to appear before this committee. So thank you very much.

Mr. KING [presiding]. The gentleman from California, Mr. Swalwell is recognized for 5 minutes.

Mr. SWALWELL. Thank you, Mr. Chairman, and welcome to our witnesses. I welcome this opportunity to highlight the brave heroes, the citizens of Boston who ran into the blast zone to help the victims affected by the blast, but also to highlight the brave men and women of law enforcement and the emergency responders who hunted, captured, and killed the two individuals responsible for this.

Serving on this committee for me is also special because I was a former prosecutor, but also a Congressional intern in Washington when September 11 happened, and what happened in Boston reminded me that the threats facing our country are still very real. While there is information to be learned from the intelligence community as far as what they knew before the blasts went off, it is clear now that we face new emerging threats from lone radicalized wolves who can use readily accessible materials that you can get off the internet to wreak havoc and do damage in mass groups. That is what I think we are here to speak to, protect against, and talk about today. But there are a lot of answers to come from the community, but I want to talk about what happened once the blast went off, and what our emergency responders did and examine to what degree we can make sure that you and other agencies are more prepared.

I also know that because of the sequester, homeland security funding could be threatened in the future, and we have talked a lot about the Urban Areas Security Initiative. I come from Alameda County where I was a prosecutor, and it was the Alameda County sheriff's office that developed Urban Shield, and they have been doing that for a number of years under the leadership of Sheriff Greg Ahern, and I understand that former Assistant Sheriff Jim Baker actually went out to Boston back in December and led part of the efforts for Boston Urban Shield.

So I was hoping you could tell me just a little bit about what lessons were learned in Boston from your Urban Shield program and what would be threatened if you did not have that funding in the future?

Commissioner DAVIS. Certainly, thank you, Congressman. Sheriff Baker and the other individuals who developed Urban Shield did us an incredible service. We sent teams out to Alameda County twice, and after the second time, we talked about them moving the training to the East Coast so that we could incorporate people throughout New England. That is exactly what happened. We have had two of these exercises now that have allowed us to really examine what we would do in the case of a mass casualty event like we saw in Boston. We included everyone in this training. It wasn't—it sort of centered around SWAT teams, but then they brought in hazardous materials teams. Kurt and his team were incredibly helpful in making this happen, and bringing everybody into the fold on this whole exercise.

One of the things that popped up in our first exercise was that our communications with the fire department was not sufficient. So we were able to change our radio system to correct that, and after the blast happened, that was helpful to us. That interoperability made a difference in our ability to respond to the marathon.

Mr. SWALWELL. Would reduced funding for that program threaten your ability to respond if an attack were to occur again?

Commissioner DAVIS. Without a doubt. Without question, if funds are cut to these programs, we are not going to know what we don't know. It is only when you exercise these events that you find out that you have a gap in your systems. You—and if you find that out after the incident occurs, lives are at stake.

Mr. SWALWELL. You mentioned that you were able to work with international law enforcement agencies. Were you able to work with forces from Israel and anti-terror departments from Israel?

Commissioner DAVIS. Yes, the Israeli military and police services have been very helpful to us sending people over to train us. As a matter of fact, the tactic that Sergeant Connolly used in opening the bags up, the cut-and-tag tactic was taught to us by the Israelis.

Mr. SWALWELL. Again, Chairman, having been here when September 11 happened, I remember how dark of a place Washington became, but I know that under your leadership and also Senator Lieberman, under your leadership, we were able to invest in a Department in Homeland Security, and I think what we saw after the bombs went off, the coordinated efforts among local, State, and Federal law enforcement is what was envisioned as far as how we would respond to an attack. So I want to thank you, Senator, and also you, Chairman, for your work in this area.

Mr. KING. Thank the gentleman. Thank you. The gentleman's time is expired. The gentleman from Utah, Mr. Stewart, is recognized for 5 minutes.

Mr. STEWART. Thank you, Mr. Chairman, and to the witnesses, thank you for being here today. As with all of us here, we are appreciative of that. A very quick comment or two before I get into that.

Mr. Lieberman, you mentioned in your opening comments about the need for bipartisanship as we approach this. You have been a great example of that through your career and many of us are grateful for that.

Commissioner Davis, if I were a Hollywood casting director, and I needed a strong persona of a leader, I think I would look to someone like you, so thank you for that.

Commissioner DAVIS. Thank you.

Mr. STEWART. In considering this case, I think many of us want to break it down chronologically. You know, maybe phase one and phase two. Phase one being what happened up 'til that fateful morning, April 15? What is it that took place prior to the bombing? Then the second phase is what happened subsequent to that, the investigation, the apprehension, you know, the pursuit of the individuals, and then what we are doing now, and us looking back on lessons learned and what we could have done better.

It seems to me that there were a lot of things in phase one and phase two that were done right. You know, this wasn't a catastrophic failure in the sense that there were many things that were done right, but there were clearly some meaningful failures, or we wouldn't be here today. We wouldn't be having this conversation. When you look at some of the considerations in phase one, you know, how were these individuals radicalized? Who assisted them in their radicalization? Did anyone assist them in the bombing itself and preparations for it? Were they receiving logistical or other kinds of support? Did we miss any warning sign? And of course, some of those questions have been discussed this morning, and much more conversation as we go forward.

But Mr. Hudson, my friend here, mentioned looking forward, and that is what I would like to direct now. That is, I think that we can agree that somewhere in our Nation right now, there are individuals who would like to do exactly the same thing again. In fact, they are probably preparing to do that again. Would that be, you know, outrageous to make that claim, or would you agree with that? There is someone out there doing that. We all agree on that. Yes. Thank you.

Knowing that there must be individuals who are in some phase of planning a similar event, maybe several months away, or maybe longer, have we done anything now? Have we looked at lessons learned and said, okay, we need to continue the investigation. We understand that. But have we done or changed anything now in order to make it more difficult or to stop those efforts from going forward? Any of you, I would love your—

Mr. LIEBERMAN. I will start it briefly, and thanks for the question. Actually, I think this committee is doing that now by raising the questions that have been raised today, and to go back to what you were kind enough to say at the beginning, I am really encour-

aged by what I take to be a totally nonpartisan approach in a committee to finding out what went wrong here. That is the first thing we can do. Because you are absolutely right, there is at least one other group of people, and probably more, who are beginning to think about carrying out a terrorist attack against our country. That has been the record of the last 11, 12 years since 9/11.

Mr. STEWART. Mr. Lieberman, if I could, I don't mean to disagree with you, because I don't, but if I could just take that a little further. We all want to continue the investigation, but we don't want to wait until the investigation is over to do things that we can do now. That is my point. There must be something that we have done that said, look, there is an immediacy to this. We can't wait for the hearings to conclude. Let's do this now. I am wondering, can any of you share things, and say this is what we have changed in the last 3 weeks that have made this less likely to happen.

Mr. SCHWARTZ. If I can offer a couple of observations. You are absolutely right. Starting at the local level, regional, State, Monday evening, April 15, just hours after the bombing, a number of us already were talking about what does this mean going forward? What does this mean in terms of our next, you know, very large event, July 4, where we have some 800,000 people in the Boston area?

So we are already looking forward even as we are also looking back. I commend this committee. I commend the media for all of the attention. We can certainly hope that one of the lessons our communities have learned by watching this, you know, 24/7, and living through this watching it on television, is that we need the community's participation. I hope that message is out there now, and others have talked about it here today.

The importance of the public picking up those warning signs—see something, say something. I know that at the local and regional, and State levels in Massachusetts, we are already looking to increase our engagement with a number of communities, including our local Muslim communities. There already was a good program in place, but we need to do better. We are looking forward, as I said, to July 4. We have, in collaboration between the city and State, we have reached out and engaged a number of security experts around the country so that we can take new looks at prevention, protection going forward. The good news story here was the response, the recovery, we need to focus more on prevention and protection. We will.

Mr. STEWART. Again, thank you for that. My time is expired. If I could just end with this. Again, there were many things done right, but there were some meaningful failures and please let's not wait for an investigation to complete 6 months ago, to do what we can now to implement some changes that would make this more difficult. Thank you again to the witnesses. Mr. Chairman, I yield back.

Mr. KING. The gentleman yields back. The gentleman from Arizona, Mr. Barber, is recognized for 5 minutes.

Mr. BARBER. Thank you, Mr. Chairman, and thanks to the witnesses for the exceptional testimony here today. You know, many questions have been raised by my colleagues about what we can do to prevent a reoccurrence, and we have to ask and answer those

questions, and I know that we will be having subsequent hearings to examine those issues.

What I want to focus on today is what happened the day of the bombing and in the weeks or the days following, because I think we can learn a lot, as the gentleman just asked about, what we could do better and certainly, we can expedite that information.

I just want to commend both Commissioner Davis, and Under Secretary Schwartz for an incredible response, an efficient and effective response to this great tragedy. I do know that other communities, including my own, have faced similar situations. Not exactly a bombing in the case of Tucson, but certainly similar in terms of what was required to respond effectively. I also want to thank you, Commissioner Davis, for bringing the photographs.

You know, when we get into a discussion about a tragedy like this, we sometimes actually forget that there is a very personal human tragedy that comes out of this. I know that the people in Tucson are still grieving the loss of their loved ones, and many people from that shooting are still dealing with the change in their lives. So I really appreciate seeing the faces of the good people that were lost that day. It reminds us why our work is so important.

You know, I remember seeing photographs of the six people who died in Tucson. When you put those photographs up it took me back to that terrible day and the subsequent weeks.

I was in Boston last weekend for Congresswoman Giffords' award and I saw the memorial near the finish line, and I saw everywhere I went, signs on buses and everywhere else, Boston Strong. What I felt and saw in Boston was exactly what I felt and saw in Tucson. We will not be defined by these kinds of tragedies. We will be defined by how we respond, and I commend you and all of the other good people in Boston and in the State for that.

I want to ask a couple of questions about where we are today, and I want to, first of all, thank Senator Lieberman for coming, and I want to ask this question of you, Senator. In your testimony, you pointed out that a holistic approach is the most effective way to solve, or to deal with the spread of violent Islamic extremism and the radicalization process that is going on right now as we have heard in our country. I firmly believe that law enforcement, in addition to all of the citizens of our community are really critical to that effort.

Senator, as you know, before you left the Senate, we were dealing with the sequestration issue, and I would like to ask your opinion about how you believe sequestration has impacted on our efforts to both prevent as well as to respond to a tragedy like this in the future. I am particularly interested in what parts of the Department of Homeland Security, or for that matter, any other budget of Federal agency, you would give priority to as we are trying to figure out how to deal with sequestration.

We have given the Department of Homeland Security some flexibility and they are going to come back to us with reprogramming requests. What would you prioritize in light of what happened in Boston, and what we know, unfortunately, may well happen again?

Mr. LIEBERMAN. Thanks, Congressman. Not an easy question because a lot of the programs that are now being funded and cut back a little bit are critically important such as the programs to aid

State and local law enforcement. But if you look at the record of the 12 years now since 9/11, which I recited briefly at the beginning, only three, I say only, but the only attacks attempted against us that have succeeded were all carried out home-grown terrorists. Those are the toughest cases, and there is where you require really the whole of society that I talked about, and that requires, in my opinion, not just FBI, but particularly, State and local law enforcement outreaching to the community, engaging the community, particularly in this case, the Muslim-American community. This is, in a sense, unconventional. But a lot of the communities that are going to be asked to do this are strapped or more strapped for funds than the Federal Government.

So if we want to go where the problem seems to be most serious right now, this ideology of violent Islamist extremism among home-grown radicals. I would say that we don't want to cut back in our support of State and local law enforcement because they are where it is.

Mr. Chairman, if I may have a point of personal privilege. This Congressman, after the tragedy we had in Connecticut in Newtown, called me in a very private call just to—from based on his, the pain he went through in Arizona. It was really a noble and selfless thing. Until I just—and I am about to shoot off my mouth, it was a totally private act which nobody ever would have known about. But I am glad to have this opportunity publicly to thank you for that. It meant a lot to me.

Mr. BARBER. Thank you, Senator. Thank you, Mr. Chairman.

Mr. KING. The gentleman yields back. Thank you, Senator. I would also like to acknowledge the presence of a founding Member of this committee, Congressman Shays from Connecticut. Congressman Shays was a former colleague of Senator Lieberman. Chris, we miss you.

The gentleman from Pennsylvania, Mr. Perry, is recognized for 5 minutes.

Mr. PERRY. Thank you, Mr. Chairman. Gentlemen, thank you very much for your service in this regard, in this incident, and of course, your service to your community and your country. With that, my questions primarily will be to Senator Lieberman, and Professor Southers. I know some of it has been covered by the acting Chairman at this point, but I can't help but just reiterate some names to you, Richard Reid, Jose Padilla, Iyman Faris, The Virginia Jihad Network, Assem Hammoud, the Lackawanna Six, the Fort Dix Six plotters, Nidal Hasan, Khalid Sheikh Mohammed, and Mohamed Atta.

Now, Senator Lieberman, in your opening statement and subsequent questions, I think the American people would agree with you, and I think that you get it, so to speak. But I am—for the professor in particular, I just, I think those names are probably familiar to you. What would you say they have in common?

Mr. SOUTHERS. I would say, obviously, they have in common their religion, and an, if you will, extremist Muslim ideology.

Mr. PERRY. Okay, thank you. That is my concern. You know, in the Fifth century BC, Sun Tzu said: "Know thy enemy and know thy self . . ." and as a military officer, of course, it served me well. Based on research, at least 50 publicly-known radical

Islamist-inspired terror plots targeting the United States have been foiled since 9/11. Did you know, Professor, that 30 of the FBI's 31 most wanted terrorists are radical Islamists?

Mr. SOUTHERS. As a number, no, I did not.

Mr. PERRY. Okay, so my concern, among other things, is that you are a professor, and I listened to your testimony, and it seems like there is a reluctance to acknowledge what, who the face, and who our enemy is by name, and maybe we have a definitional problem here, but you know, and let me read the President's recent statement.

The President stated that the dangers to our homeland now come from self-radicalized individuals who, because of whatever warped, twisted ideas they may have, may decide to carry out an attack.

Where do you suppose these ideas come from, Professor?

Mr. SOUTHERS. They could come from a variety of extremist ideologies. Your facts are correct; there had been a number of individuals indicted since 9/11. Specifically 207 individuals have been indicted since 9/11 in the United States that have, as you mentioned, if we will, an al-Qaeda ideology, 5 percent of those people for roles in violent incidents. There have been 139 right-wing militants indicted since 9/11, where just under 50 percent of those people were engaged in violent attacks before arrest.

So my point in my testimony was one of although the facts are correct with regards to the extremist ideology they share, that we understand their radicalization is not monopolized by any particular ideology, or religion, or race.

Mr. PERRY. But by and large, would you agree that the greatest propensity by far is the radical Islam; not any other one, just that one?

Mr. SOUTHERS. I would agree that based on the facts we have today, absolutely, that would support that.

Mr. PERRY. Okay. So with that, Senator Lieberman, the YouTube account under Tamerlan's—by the way, his name is “the Sword of Islam”—showed that he had viewed multiple Russian-language videos on radical Islam, and even compiled playlists of jihadi videos. Should we and should the authorities have been concerned?

Mr. LIEBERMAN. Well, of course. Part of your investigation and the Executive branch investigation has to be why weren't they? Did they know that? I am afraid that they didn't know that Tamerlan had put up his own YouTube channel and was broadcasting all of those violent Islamist extremist videos. But obviously, that is one of the places where the system broke down.

Mr. PERRY. So let me ask you this question, Senator: Why do you think—I know you can't answer for him, but why do you think this administration is unwilling to use the term “radical Islam” to describe these acts of terror? This is really important, because investigations and our National mood about how we deal with this, I think, is expressed here. What is gained by the President's refusal to appropriately describe jihad as expressed by radical Islamist extremists as their motivation for attacking the United States and other free nations?

Mr. LIEBERMAN. Well, I don't know. In other words, this is a debate that I had over the years during my time in the Senate and particularly with this administration. For all of the reasons you

say, you have got to know your enemy and call it what it is, particularly now. There is a danger if you think that the enemy is al-Qaeda, and you observe that bin Laden is killed, and central al-Qaeda is on the run, you may be lured into believing that the war is over. But there is this ideology, violent Islamist extremism, which, in fact, is not over, it is spreading. It is not just spreading to enough people here to makes us worry at home, but it is what is happening in Syria, and Mali, and Yemen, and Pakistan, and Afghanistan, and Chechnya, and Dagestan, and in America. So I don't get it.

I presume it is because of a sensitivity that if you use the term "Islam" or "Muslim" at all with relationship to violence, or extremism, or terrorism, it will do offense to Muslims. But, you know, I am privileged that a lot of my fellow Americans are Muslim. They are law-abiding. They are patriotic. They have nothing to do with these criminals and terrorists.

Mr. PERRY. Absolutely.

Mr. LIEBERMAN. I don't think it is fair to them—I don't think it is fair to them not to single these people out. Maybe the words we are using are not right. But, you know, somebody else said this, I will just repeat it. It is too short and too simple, but unfortunately, it does bear some truth, which is that, obviously most Muslims are not terrorists. But the sad fact is today that most terrorists that we are dealing with in America are inspired by this violent Islamic extremist ideology, and you have got to recognize that to deal with it.

Mr. PERRY. Thank you, Senator.

Thank you, gentlemen.

Thank you, Mr. Chairman.

Mr. KING. The gentleman yields back.

I recognize my friend from New Jersey, Mr. Payne.

Mr. PAYNE. Thank you, Mr. Chairman.

Let me first start out with thanking Commissioner Davis, and Under Secretary Schwartz for the incredible job that was done in Boston by your organizations along with the Federal Government.

It truly shows that the system works, and that we have the capability to, when an event occurs, finalize it very quickly. I think it is extraordinary that this whole incident was wrapped up in a week. It is absolutely incredible, in my view. I thought this would be a situation that would drag on for quite some time, but to have an incident happen at the beginning of the week, and to have it completed and the bad guys found in a week I think says a lot about the system that we have in place.

There were naturally some issues, and they have been exhausted here today, I think. But I would like to ask Commissioner Davis, you know, the administration has proposed to consolidate the Homeland Security grant programs, including UASI, the State Homeland Security Grant Program, into one funding pool. Under the proposal it is unclear whether grantees will be required to dedicate 25 percent of the grant awards to law enforcement terrorism—and terrorism prevention activities. Based on the way you have been able to utilize those resources, do you have concerns about the proposed grant consolidation?

Commissioner DAVIS. I certainly owe a debt of gratitude to President Obama and to Secretary Napolitano, but I have to say that I think that that plan is going to be detrimental to the further security of our city. I have to say that the UASI program has been extremely helpful and made a difference, and I think it should continue as it is.

Mr. PAYNE. We have had great experience with that in northern Jersey where I come from, Newark, New Jersey, which has a major airport, and port, and chemical installations that the UASI grant has been instrumental in us being able to do the types of things we need to do in order to make sure that that area is safe. So with your concern, I am very concerned as well.

The other thing that I have—since joining the committee have gotten involved in is the whole question around interoperability, and, you know, the response efforts, you know, following the bombing demonstrated successful interoperability between agencies, disciplines, and jurisdictions. You know, the Commonwealth received, as you well know, \$3.11 million from the Interoperable Emergency Communications Grant between fiscal year 2008 and fiscal year 2010, the last year that program received allocated funding.

How did these funds from the grant help contribute to your interoperability?

Mr. SCHWARTZ. Well, thank you for the question. As I mentioned in my opening statement, interoperability has been a huge success story in Massachusetts and was a great story on April 15 and the days that followed. Through a variety of grant funds, some you mentioned—there was the PSIC money that came to the Commonwealth as well—a number of years ago we created a State-wide interoperability executive committee that took control of and charge over all of the Homeland Security funds that came into the Commonwealth, and that group, which is comprised of people from all over the State, developed local, regional, and State-wide interoperability plans and then invested in those plans.

So if you fast-forward over the last number of years to where we were on April 15, an hour before the bombing, as we were supporting the Boston Marathon, there were public safety agencies, local, State, and Federal, across eight cities and towns that were all communicating. Tactical units were on their own channels. Command-level people were on their own channels. Voice communication was working. That remained true through the week.

But perhaps more importantly, if this were to happen, or a similar-type no-notice event happens tomorrow, we have the capability across the State by just flipping—you know, pushing buttons and flipping switches to make sure that that level of interoperability is established. I think it is fair to say that none of this would have happened without the Homeland Security grant streams that had been coming into the Commonwealth.

Commissioner DAVIS. May I just add that there is one fly in the ointment here, which is the T-Band. I know we are getting into sort of complicated things that I might not be the best person to explain, but if we lose T-Band, as is scheduled to happen in the next 6 or 7 years according to the FCC rules, virtually every police department in the metropolitan area of Boston from 495 in will be adversely affected by that.

We need to revisit that, and we need to talk about these new technologies that are out there that will help us with interoperability. This has all been put together with funding that worked for us, but because of some of the broadband issues that are being discussed right now, and the T-Band that we are scheduled to lose, we are going to have problems.

Mr. PAYNE. Thank you.

Thank you. Well, Mr. Speaker—Mr. Speaker, I am sorry. Mr. Chairman.

Mr. KING. Acting Chairman.

Mr. PAYNE. Acting Chairman. I am trying to promote you.

You know, we need to be cognizant of these types of issues moving forward. We see how well it worked in Boston, and to cut that funding, I think, would be detrimental to this Nation's security moving forward. Thank you.

Mr. KING. I agree with the gentleman, and obviously northern New Jersey and New York are really one unit. Thank you.

Before I close the hearing, I just have several questions for Senator Lieberman and Commissioner Davis. It is under the heading of lessons learned and going forward.

Senator Lieberman, when the FBI did its investigation of the—based on the tip from the Russians to determine whether or not the older brother was radicalized, they did not discuss it with the imam or anyone in the mosque. My understanding is that is because of a change in DOJ guidelines in the last several years that to go to a mosque, they have to get approval from a committee in Washington, I believe.

Do you think in view of the fact that if a person is going to be radicalized as a Muslim, you should go to his house of worship to see whether or not the people in that community would have felt that he had been radicalized?

Mr. LIEBERMAN. I do. I don't know exactly what happened here, but this is why I raised the question about the Department of Justice guidelines for the FBI, because, again, looking back, it is unusual to get this kind of tip from Russian intelligence.

What was the nature of the investigation that the FBI did? It sounds to me like—well, we don't know, so will you ask them? They talked to Tamerlan Tsarnaev. They talked to his mother. They had some sporadic surveillance around his house. But as far as I can tell, they didn't talk to anybody else.

You know, talk about the whole of society, if you really wanted to check somebody out before you closed the file, which is what they did, you have to talk to friends, neighbors, and people in their house of worship. That is not—to me, that is not a violation of, you know, the right to freedom of religion or anything else. It is putting first the safety of the people of Boston in this case, including everybody who was a member of the mosque.

Mr. KING. Also, Senator, this is an issue that maybe affects the House more than the Senate, but I think the last count there was anywhere between 85 and 100 committees, and subcommittees, and commissions that claimed some jurisdiction over homeland security. Do you think in view of the problems that we saw encountered in this particular case, as far as maybe one agency not knowing what the other is doing, that the time has come to consolidate—

further consolidate within Congress jurisdiction over the homeland security, rather than having it spread over so many different committees and subcommittees?

Mr. LIEBERMAN. Well, I sure hope so. I mean, it is great to be back with you, Congressman King. We worked so closely together, and we always will, on these matters. You remember, after 9/11, after the 9/11 Commission report, the Kean-Hamilton report, amazingly we worked together across party lines, both Chambers, the White House. We got most of their recommendations adopted at least in part except one, the one that reformed Congress and limited the number of committees having oversight on homeland security, because that was Congress protecting its own turf.

So what is the significance of that? First off, it takes time from the Department of Homeland Security that they really ought to be spending back at the office protecting our homeland security. It also makes the work of Congress less effective in combating the threats to our security.

So I hope that one of the things that may come out is that—come out of the tragedy in Boston is that Congress again take a look at itself, not just the administrative branch of our Government, and figure out how we could better organize to deal with homeland defense.

Mr. KING. Thank you, Senator.

I have a question for Commissioner Davis. You said that the mechanisms are in place for the FBI to notify you when there is a threat. Do you think we should consider lowering the threshold as to what a threat is? For instance, when they were told by the Russians to look into the older brother, if that should happen in the future, wouldn't it make sense to speak to the local police department to see whether or not they know anything on him, and perhaps ask the local police to keep an eye on him as they go forward?

Commissioner DAVIS. That certainly is an area that deserves very close scrutiny, Congressman. I believe that our relationship has improved dramatically in the last 10 years, but when you are dealing with intelligence between nations, that is still difficult to access. There are reasons for that, and I understand them. But when information is out there that affects the safety of my community, I need to know that.

Mr. KING. Thank you, Commissioner. Even if—you know, they wouldn't have to tell you it even if it came from the Russians. They could just say, we received a tip from someone that perhaps he has been radicalized. Could you keep an eye on him?

Commissioner DAVIS. Right. I have received Secret and Top Secret information in the last 10 years. But I think that where that sort of bar is that everybody gets notified on, that has to be looked at as to whether it is in the right place.

Mr. KING. After this attack a point was made: There was no chatter, there was no international intelligence coming. I think that is going to be the wave of the future. There is going to be attacks that are under the radar screen, and it is more important than ever the local police be involved. There is no one that has a better feel for the community than the local police.

Commissioner DAVIS. We have 600,000 people in local police departments across the Nation, which is a force multiplier for the Federal agencies.

Mr. KING. Thank you.

Let me thank all of the witnesses.

Professor, I didn't welcome you back. I know you testified before the committee 5 years ago, I guess it was. It is great to have you back.

Mr. Schwartz, it is great to have you here. You really added a lot.

Commissioner Davis, the whole country is looking at you for the outstanding job that you did.

Senator Lieberman, what can I say? An old friend and a real patriot, and one of the few people in politics who never lets you down. So, Senator Lieberman, thank you.

I want to thank all the witnesses for their testimony and the Members for their questions. The Members of the committee may have some additional questions of witnesses, and we will ask you to respond to those in writing. The hearing record will be held open for 10 days.

Let me just say on behalf of myself and the entire committee, I thank Chairman McCaul for holding this hearing, the first one in the Congress on such a vital issue. With that, without objection, the committee stands adjourned.

[Whereupon, at 12:51 p.m., the committee was adjourned.]



## APPENDIX

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### QUESTIONS FROM HONORABLE SHEILA JACKSON LEE FOR SENATOR JOSEPH I. LIEBERMAN

*Question 1.* The Boston Marathon bombing appears to be a pernicious reminder that the internet has extended the battlefield in the war on terror. As a former U.S. Senate Chair of the Senate Committee on Homeland Security, how well do you think is the United States meeting this new challenge? What more can or should be done?

Answer. Response was not received at the time of publication.

*Question 2a.* Terrorism expert Mitch Silber said that more than 6 years ago, beginning in 2007, signs began to emerge that radicalization on the internet was happening in the United States which led him to co-author the New York Police Department report, “Radicalization in the West: The Homegrown Threat.” Do you agree with Mr. Silber’s assessment?

Answer. Response was not received at the time of publication.

*Question 2b.* Was this a concern or priority when you chaired the Senate Homeland Security Committee?

Answer. Response was not received at the time of publication.

*Question 2c.* What, if anything, did you learn that you can share with this committee?

Answer. Response was not received at the time of publication.

*Question 3.* As a former State attorney general and U.S. Senator did you approve of the decision to put the town on Watertown, Massachusetts on “lock down”? Why or not?

Answer. Response was not received at the time of publication.

*Question 4.* As a former State attorney general and U.S. Senator did you approve of the decision to question Suspect No. 3, Dzhokhar Tsarnaev, without first apprising him of his Miranda rights?

Answer. Response was not received at the time of publication.

*Question 5.* Do you agree with Sen. Lindsay Graham (R-SC), your former Senate colleague, that the captured Boston Marathon bombing suspect can and should be treated as an “enemy combatant”? Explain.

Answer. Response was not received at the time of publication.

*Question 6.* Russia’s state security service, known as the FSB, first approached the FBI on March 4, 2011, after intercepting a pair of phone calls in which Tamerlan Tsarnaev discussed jihad. The Russians alerted the FBI that Tamerlan Tsarnaev was planning a trip to the North Caucasus, which they feared might accelerate his radicalization and lead to terrorist activities. The tip prompted the bureau to conduct an investigation that included background checks and personal interviews, and Tsarnaev was added to a Federal database. But the spadework revealed nothing alarming, and with no further information from the Russians, the FBI dropped the matter after a 3-month investigation. Do you find any fault with the way the FBI handled this matter?

Answer. Response was not received at the time of publication.

*Question 7.* The FBI didn’t alert the CIA about the FSB tip; instead, Langley learned of Tsarnaev from the Russians more than 6 months later. When he returned from the Muslim region of Dagestan on July 17, 2012, a U.S. Customs and Border Protection official assigned to the Joint Terrorism Task Force in Boston declined to warn domestic intelligence counterparts. What was the CBP official to warn domestic intelligent counterparts about? That Tamerlan Tsarnaev had returned to the United States? That he had been in the Muslim region of Dagestan? Both? What, if any, civil liberties or individual rights are implicated if the latter?

Answer. Response was not received at the time of publication.

*Question 8.* Are you concerned that apparently none of the counterterrorism agencies, individually or collectively, pieced together the trail the brothers left on the

internet, including songs and YouTube videos Tamerlan posted that venerate jihad? Why or not?

Answer. Response was not received at the time of publication.

QUESTION FROM HONORABLE SUSAN W. BROOKS FOR EDWARD F. DAVIS, III

*Question.* While I was the deputy mayor of Indianapolis, I oversaw the operations of the police, fire, and emergency management departments within the city. From experience, as well as from observing numerous incidents over the years, such as 9/11, I know the importance of first responders and emergency managers being able to communicate with each other during an incident. The initial reports I have heard do not indicate that there was a problem related to communications amongst first responders. Can you please tell us if the police, fire, etc. were all able to communicate with each other during the response?

Answer. The Greater Boston area is effectively equipped with high-level UHF-based port radio system called the Boston Area Police Emergency Radio Network (BAPEREN). This system is used by 166 law enforcement agencies, including local, State, county, campus, and Federal, and spans a coverage area of over 2,000 square miles. This system was an important component of communication among all agencies during response. Commercial carriers have no capacity for public safety emergency communications. It was especially useful when satellite and cellular service were effectively non-existent in the hours following the attacks. The system allowed communication across agencies to help coordinate the local, State, and Federal response, as well as communicate officer and public safety issues. An important component of that system, however, is in danger of being taken away. As BAPEREN is a T-Band system, considerable measures need to be taken to ensure this essential public safety interoperable communications system is not discarded as part of the implementation of Section 6103 of the Middle Class Tax Relief and Job Creation Act of 2012 (Act) as it applies to the 470–512 MHz band (T-Band).

QUESTIONS FROM HONORABLE SHEILA JACKSON LEE FOR EDWARD F. DAVIS, III

*Question 1.* Was the Boston Police Department caught by surprise before or after the two bombs exploded? Explain your answer.

Answer. The Boston Police Department had no indication that the bombs would explode. After checking with our partners at the FBI, Department of Homeland Security, and local and State law enforcement agencies, it was determined there was no credible, specific information indicating an imminent threat to the 2013 Boston Marathon.

*Question 2.* Were those resources enough to effectively respond to the bombing?

Answer. Resources were readily available and utilized as well as could be in such unexpected circumstances. The Boston Police Department had hundreds of officers deployed along the route and affiliated hospitals and Boston Athletic Association volunteers were located in close proximity. EMS and ambulance services were also available upon immediate request. The Boston Police Department also utilized prisoner transport vehicles when all ambulances available were occupied. Because of these resources, the 19 victims in critical care who were removed from the scene survived.

*Question 3.* In hindsight, what more could have been done (in regards to more resources, better technology, etc.) to deal with the aftermath of the bombings?

Answer. In regards to additional resources and technology adjustments, the Boston Police Department has identified areas that may have been helpful in the aftermath of bombings regarding analytical and tactical support resources to prepare for future events relative to terrorism and attacks. These include additional intelligence officers and analysts; increased medical equipment available to all vehicle units, particularly an ample supply of tourniquets and full response kits; additional cameras installed at appropriate heights and locations to assist in post-incident investigations; and investment into tactical and protective equipment.

*Question 4.* How closely was the Boston Police Department able to work with police departments of other cities to respond to the bombings and the ensuing manhunt?

Answer. The Boston Police Department worked very closely and efficiently with all cities involved in response to the bombings, as well as the ensuing manhunt from sharing information to tactical response.

*Question 5.* Were there other problems in working with other police departments?

Answer. By and large there were no problems working with other police departments. Commanders established command posts within minutes as each incident unfolded. Mutual aid was requested and granted pursuant to State law.

*Question 6.* What are the most important lessons learned by the Boston Police Department in responding to events like the Boston bombings that could help other agencies deal with similar situations?

Answer. Some of the most important lessons revolve around response, technology, training, and social media communication. One lesson is the need for a well-coordinated medical response. Saving lives is the first priority in a situation such as this. Boston's world-famous hospitals were in close proximity to the bombing and medical personnel were stationed at the finish line. This led to reduced fatalities. The use of tourniquets by first responders also saved lives. Tourniquets as standard police equipment as well as other first-responder trainings should be reviewed.

Collaboration in response was also important. The strong existing relationships both internally and externally prior to the critical incident allowed swift and effective response across all jurisdictions.

Cell phones and communication needs are other lessons to be learned. Based on this experience, cell phones are useless in an emergency. The capacity of cell phone companies becomes overrun by the general public making it impossible for first responders to communicate. Based on this, satellite phone technology is not effective for indoor command posts and communication across multiple bodies as they do not have the capacity to effectively function.

Training is also a key lesson. Training and testing procedures before-hand helped to uncover problems and allowed us to correct them before a critical incident. These also improve collaboration between responding agencies. Boston has cross-trained with law enforcement and medical agencies on such circumstances and their appropriate response plans and procedures.

Last, but most importantly, the use and power of social media as a means to interact with the community is a valuable lesson. There is a great need to maintain communication and to notify the public in real-time during such incidents. Social media is also important for direct communication with the public to provide accurate information and direction on public safety concerns.

*Question 7.* Were the Boston Police Department's efforts impeded by circumstances beyond their control? What circumstances? Could they be prevented in the future?

Answer. There are no circumstances that I am aware of at this juncture, however the on-going review of the intelligence function is critical to understand the prevent assessment that there was a threat.

*Question 8.* How soon after the FBI learned who the suspects were was the Boston PD notified?

Answer. The BPD was part of a team that investigated and determined the photos of the suspects. Therefore, the BPD was notified immediately. The department was also notified immediately when the FBI determined the identities of Tamerlan Tsarnaev and Dzhokhar Tsarnaev after fingerprints were taken from Tamerlan Tsarnaev's deceased body.

*Question 9.* Was the Boston Police Department notified at any point before the attacks that Tamerlan Tsarnaev was considered dangerous by Russian police and had been questioned by the FBI and was living in Boston?

Answer. No, the Boston Police Department was not notified at any point before the attack that Tamerlan Tsarnaev was considered dangerous by Russian police and had been questioned by the FBI. The Boston Police Department assigns four officers to the Joint Terrorism Task Force. One officer was assigned to the squad that investigated Tsarnaev. Despite that fact, we were never informed that the FBI had questioned Tsarnaev.

*Question 10.* What is the single best advice you would like to pass on to your counterparts in the Nation's other large urban areas? What advice would you give to your counterparts in rural and sparsely-populated areas?

Answer. My advice to both large urban areas and rural areas is that training for a multijurisdictional response to large-scale events is critical. Police departments across the Nation should make sure to include medical personnel in their trainings so that they will be prepared in the event of a mass casualty and appropriate response will be made.

*Question 11.* Does the Boston Police Department feel that it has full access to all resources it needs to handle terror situations?

Answer. We were very satisfied with the procedures that we have in place as far as vetting the threat environment especially in response to incidents. It is important to review the overall process that the Federal Government has in place to vet high-level intelligence communication as they relate to specific cities.

*Question 12.* Is the Boston Police Department able to replenish its resources in a timely manner after terror incidents? If not, does this pose an increased threat of a second attack?

Answer. Mayor Menino and the city of Boston prioritize public safety and deploys officers as needed. The Boston Police fully deployed its resources and received mutual aid resources and support from other many law enforcement agencies and regional response teams in order to appropriately deploy and relieve officers as necessary. This assisted in our post-attack resources activities. We have also taken the necessary precautions as it relates to stress services needed after a critical incident such as this. We have put great emphasis on stress reduction services for the entire department through our Peer Support Unit, as well as outside agencies, including the New York Police Department.

*Question 13.* What are the Boston Police Department protocols for approving overtime during incidents where a large portion of the Police Department is needed to work hours on end in response to attacks?

Answer. The protecting of life is our fundamental responsibility. Appropriate resources were activated to do so. The Boston Police Department follows a standard protocol for approving overtime. Our Department Rule requires every officer to complete and sign an overtime authorization record which is then signed by his or her Supervisor and by the Commander or Director of his or her Unit. In this case, I ordered my Command Staff to ensure full and continuous deployment. A series of codes were then opened and used to track and capture the overtime costs specific to the event.

*Question 14.* How effectively is the Boston Police Department able to communicate with Federal agencies and other PD's?

Answer. On a day-to-day basis, the Boston Police Department communicates with Federal agencies and other police departments very effectively. All agencies know each other and talk on a regular basis. A lapse in communication as events unfolded surrounded the technical issues which will require an improved, robust, and technologically-advanced radio communications system that is surely needed throughout the United States for first responders.

*Question 15.* Are there channels that are available during extreme situations that can prevent any delay in communication?

Answer. Typically, the Boston Police Department utilizes our regular operational radio channels. In an emergency or special event, the Department opens event-specific channels so everyone can focus on the event without overloading the regular channels. In the case of an emergency or critical event that encompasses multiple jurisdictions, the Boston Police Department and coordinated departments open a regional channel called BAPER, as mentioned in Question 1, that connect to our channels so that we can communicate with the people in other agencies who are working the incident.

*Question 16.* Does the Boston Police Department use social media as a tool to distribute information to the general public? Do they use social media as a detective tool? Is it effective as either?

Answer. The Boston Police does use social media as a tool to inform and distribute information to the general public. It is very effective. BPD uses the following platforms as an extension of community policing: bpdnews.com, Facebook, Twitter, and Instagram. All aspects of social media outreach are designed to engage and inform the public with the overall goal being an investment in public safety. The BPD has increased followers and continues to keep the public and the media up-to-date on the latest and most reliable information available through social media, as well as a means of receiving tips and assistance. Social media has been used to establish an on-going dialogue to further engage in effective community policing. The power of social media is in the back-and-forth conversation, not only in providing information but also in receiving immediate feedback into how the information is received. This allows us to better assess the community's reaction to what we are discussing. The Boston Police Department also uses social media as a detective tool and has proven to be effective as an investigatory tool as well.

*Question 17.* Are there portions of the communication protocols that you feel could be refined to improve communication within your police department as well as to outside agencies?

Answer. I have asked for further clarification regarding this question.

#### QUESTIONS FROM HONORABLE SUSAN W. BROOKS FOR KURT N. SCHWARTZ

*Question 1.* In the aftermath of disasters, such as the Boston bombing, communicating with the public is vital, not only to ensure their safety and save lives, but when appropriate to enlist their help. The use of social media by area officials proved invaluable as law enforcement first sought to clear the area and later sought information to further the investigation, including photos and videos from the finish line, and later in identifying the Tsarnaev brothers. FEMA's Integrated Public Alert

and Warning System (IPAWS) provides alerting capabilities across multiple platforms such as television and cell phones to enable State and local officials to share information with the public. How did your organization communicate information with the public immediately after the attack and during the search for the suspects and the investigation?

Answer. Response was not received at the time of publication.

*Question 2.* At the time of the bombing, I understand that the Commonwealth of Massachusetts had not yet executed an agreement with FEMA to become an alert originator through the FEMA IPAWS system. Has this process been completed at this point?

Answer. Response was not received at the time of publication.

*Question 3.* I understand that FEMA assisted with the transmission of a geographically targeted Wireless Emergency Alert to wireless devices in the Watertown area regarding the order to shelter-in-place. How did this either positively or negatively help your efforts?

Answer. Response was not received at the time of publication.

*Question 4a.* Director Schwartz, you noted in your testimony the positive impact that Federal homeland security investments have had on response capabilities in the Commonwealth of Massachusetts and the city of Boston. Would you please elaborate and tell us some of the training, exercises, and equipment purchases supported by Federal homeland security grants and how these assisted authorities after the attack?

Answer. Response was not received at the time of publication.

*Question 4b.* How did these investments enhance coordination between and among law enforcement, the fire service, and the public health community and with your Federal partners?

Answer. Response was not received at the time of publication.

*Question 5.* While I was the deputy mayor of Indianapolis, I oversaw the operations of the police, fire, and emergency management departments within the city. From the experience, as well as from observing numerous incidents over the years, such as 9/11, I know the importance of first responders and emergency managers being able to communicate with each other during an incident. The initial reports I have heard do not indicate that there was a problem related to communications amongst first responders. Can you please tell us if the police, fire, etc. were all able to communicate with each other during the response?

Answer. Response was not received at the time of publication.

#### QUESTIONS FROM HONORABLE SHEILA JACKSON LEE FOR KURT N. SCHWARTZ

*Question 1.* Fusion Centers are supposed to work with Federal, State, regional, and local law enforcement, as well as the public and private sector and also serve as the State repository for homeland security information and incident reporting. How well does the Massachusetts Fusion Center work with other law enforcement agencies? In what areas, if any, can this working relationship be improved?

Answer. Response was not received at the time of publication.

*Question 2.* I understand that the Massachusetts Fusion Center also serves as the point of contact for local entities seeking to receive information from Federal agencies. Explain how this works; how do local entities makes requests and how does the Fusion Center handle them?

Answer. Response was not received at the time of publication.

*Question 3.* I understand also that the Fusion Center collects and analyzes information to produce and disseminate "actionable intelligence" to support decision makers and operational personnel. How large is the Fusion Center's intelligence gathering and analysis operation? How is it funded? Is the funding adequate? How is the determination as to whether information constitutes "actionable intelligence" made?

Answer. Response was not received at the time of publication.

*Question 4.* It is my understanding that intelligence analysts in the Fusion Center are assigned accounts which focus on terrorism and organized criminal activity and that each analyst develops contacts in their area of responsibility and is responsible for awareness in their subject areas, focusing on threats to the Commonwealth.

How many intelligence analysts staff the Fusion Center? How are they selected? Trained? Evaluated? How are threats that are not focused on the Commonwealth handled?

Answer. Response was not received at the time of publication.

*Question 5.* It is my understanding that the Commonwealth Fusion Center produces three types of intelligence products for Fusion Center stakeholders:

- **Bulletins:** Reports for immediate distribution, such as officer safety alerts, high-profile incident reports;
- **Intelligence and Informational Briefings:** Oral or written products using all sources available to analysts on an incident or topic to inform stakeholders;
- **Strategic Assessments:** Strategic overviews of criminal or terrorist threats to the public, public safety entities, or owners/operators of critical infrastructure assets.

The Fusion Center aspires to produce timely and relevant intelligence to safeguard the Commonwealth and its citizens. How effective would you say the Fusion Center was in producing timely intelligence in the case of the Boston Marathon bombing? What, if anything, could or should have been done to increase timely communication?

Answer. Response was not received at the time of publication.

*Question 6.* How quickly was your agency notified of the incidents that occurred at the Boston Marathon earlier this year?

Answer. Response was not received at the time of publication.

*Question 7.* What measures did your department take after hearing of the incident?

Answer. Response was not received at the time of publication.

*Question 8.* When did the Massachusetts Homeland Security Department learn that the FBI had questioned Suspect No. 1, Tamerlan Tsarnaev? How? What action did it take in response?

Answer. Response was not received at the time of publication.

*Question 9.* When did the Massachusetts Homeland Security Department learn that Tamerlan Tsarnaev had travelled to Makhachkala, a Russian city in the Dagestan region near the Caspian Sea in January 2012?

Answer. Response was not received at the time of publication.

*Question 10.* Does your department work with foreign local law enforcement agencies regarding on-going investigations?

Answer. Response was not received at the time of publication.

*Question 11.* In hindsight what, if anything, could have been done to prevent the Boston Marathon bombing? What are the one or two most critical steps that should be taken immediately to prevent such tragedies in the future?

Answer. Response was not received at the time of publication.

*Question 12.* How extensively does your organization use contemporary social networking platforms such as YouTube, Twitter, Facebook in furtherance of the organization's mission? How effective or ineffective have these platforms proved to be?

Answer. Response was not received at the time of publication.

## **ASSESSING ATTACKS ON THE HOMELAND: FROM FORT HOOD TO BOSTON**

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**Wednesday, July 10, 2013**

U.S. HOUSE OF REPRESENTATIVES,  
COMMITTEE ON HOMELAND SECURITY,  
WASHINGTON, DC.

The committee met, pursuant to call, at 9:17 a.m., in Room 311, Cannon House Office Building, Hon. Michael T. McCaul [Chairman of the committee] presiding.

Present: Representatives McCaul, Smith, King, Broun, Miller, Meehan, Duncan, Marino, Chaffetz, Barletta, Stewart, Hudson, Daines, Brooks, Perry, Sanford, Thompson, Sanchez, Jackson Lee, Clarke, Richmond, Keating, Barber, Payne, O'Rourke, Gabbard, Vela, and Swalwell.

Chairman MCCAUL. The Committee on Homeland Security will come to order. The committee is meeting today to continue our series of hearings examining the Boston bombings of April 15, 2013. I now recognize myself for an opening statement.

I want to thank the witnesses for appearing here today. This is an open hearing, and today, we will vote on convening a closed session tomorrow to receive classified testimony from the Department of Homeland Security and the National Counterterrorism Center.

Unfortunately, the FBI has refused to appear and continues to refuse this committee's appropriate requests for information and documents crucial to our investigation into what happened in Boston.

Three months ago there was a terrorist attack in our country, and it is this committee's responsibility to find out how we did not see it coming. What concerns me greatly is that the problem at the heart of preventing the Boston bombings is a failure to share information, that that is being witnessed now in this very room. The information requested by this committee belongs to the American people. It does not belong solely to the FBI, and I sincerely hope they do not intend to stonewall our inquiry into how this happened.

I said when I started this investigation that we were going to find out what happened, what went wrong and how to fix it, and I will not be satisfied until we get the answers that the American people deserve.

As Dzhokhar arrives in court today, justice is just beginning. Today we turn to making sure what he did is prevented from ever happening again. Just weeks ago, I walked the streets of Boston with my colleague, Bill Keating, and while the city's resilience and strength were obvious everywhere we went, how this attack could have occurred in spite of multiple warnings was still not clear. In

many ways the Boston bombing serves as an assessment of our counterterror experts over a decade after 9/11.

In our investigation, we will look at how far we have come and what must be changed to better protect our homeland. Today, by looking at other domestic terror attacks on our soil, in addition to the Boston bombings, we seek to identify systematic vulnerabilities in our defenses, which could have helped prevent these attacks and future threats.

Since 9/11, the great challenge to our vast homeland security apparatus remains in connecting the dots. While much information is available, we must ensure that we have the best system possible for sharing intelligence, particularly when information so clearly warrants additional scrutiny, as it did with Tamerlan Tsarnaev. In this case, while the FBI had investigated the older suspect, his case was not reopened after his travel overseas to a hotbed of jihadist terrorism.

Ultimately, as we refine our post-9/11 counterterrorism policies, this type of failure to follow up must not continue. This is particularly important as the administration seeks to return to a pre-9/11 approach to fighting terrorism on our soil, a policy perpetrated by its narrative that the conflict with radical Islamists is ending. Unfortunately, the rhetoric perpetrated by the administration that the threat of al-Qaeda is diminishing and that its franchises are less dangerous is not the reality that the United States faces today.

For evidence of this, look to the latest edition of al-Qaeda's *Inspire* magazine, which praised the Tsarnaev brothers and encouraged other extremists to conduct similar attacks. Terrorists within the United States who are inspired by jihadist rhetoric present a new and dynamic threat and must be looked at as any less deadly than those abroad.

In light of Boston, it is more important than ever to find weaknesses in our counterterror efforts that can be fixed before another attack is attempted. By reviewing the events leading to the last five attacks on the homeland since 9/11, we will find patterns that will shed light on what we must improve. For instance, in June 2009, a terrorist targeted an Army Navy Career Center in Little Rock, Arkansas, killing one soldier and wounding another. Carlos Bledsoe, an American citizen, converted to Islam and spent 16 months in Yemen at a jihadist training camp. Bledsoe had been interviewed by the FBI twice before the shooting, once in Yemen and then again in Nashville. While law enforcement agencies were concerned he may have ties to extremist groups, they did not pursue the matter.

The shooting at Fort Hood, Texas, in my home State, in November 2009, is another example of Government officials either failing to recognize or failing to pursue a credible threat. There were signs Major Nidal Hasan had become radicalized, but his superiors failed to discipline or discharge him. The FBI was aware Hasan was communicating with the terrorist Anwar al-Awlaki a year prior to his attack on Fort Hood, where he killed 14 people and wounded 43 others, but ultimately this information was not shared with Fort Hood.

The 2009 attempted attack on a Detroit-bound plane Christmas day is yet another example of agencies failing to connect the dots.

Umar Farouk Abdulmutallab: His father reported his son's extremism and hatred of the West to the U.S. embassy, but one agency failed to alert another.

The Times Square bomber, Shahzad, a naturalized U.S. citizen born in Pakistan, was placed on the Traveler Enforcement Compliance, or TECs system, between 1998 and 2008; however, this computer system does not share information effectively among databases. Consequently, Shahzad fell off the radar screen only to have luck prevent the bomb from going off.

Finally, the Boston Marathon bombings. They show that when agencies fail to share critical information about terrorists, they fail to see the full picture, which could point to an imminent attack. We still do not know if the FBI was alerted to Tamerlan's travel overseas, but we do know that no action was taken after the fact. The deputy director of the FBI said that even if they had been notified about that travel, the case was closed, and it would not have been reopened.

These events bring to light two areas that deserve scrutiny by this committee, the first being whether the information is still being stovepiped between agencies, and the second being whether our agencies need to update their policies in order to be nimble enough to confront the current dynamic threat to this country.

It is easy to see why this absolutely must be done when you read the words of our enemy in the most recent issue of AQAP's *Inspire* magazine, which praised the Tsarnaev brothers and the Boston bombings, and in one segment a poem written under the name "Tamerlan II" declares, "brothers residing in the West, grab your chance and walk steadfastly toward your goal. As for me in Yemen, whenever I move around with explosives around my waist, I wish I am in America."

Those chilling words make it clear that our enemies applaud the actions of Tamerlan and Dzhokhar, and they will try again and again, and we must be better prepared.

[The statement of Chairman McCaul follows:]

STATEMENT OF CHAIRMAN MICHAEL MCCAUL

JULY 10, 2013

I want to thank the witnesses for appearing today. This is an open hearing and today we will vote on convening a closed session tomorrow to receive classified testimony from DHS and the National Counterterrorism Center. Unfortunately, the FBI has refused to appear, and continues to refuse this committee's appropriate requests for information and documents crucial to our investigation into what happened in Boston.

Three months ago, there was a terrorist attack in our country, and it is this committee's responsibility to find out how we did not see it coming. What concerns me greatly is that the problem at the heart of preventing the Boston bombings—the failure to share information—is being witnessed now in this very room. The information requested by this committee belongs to the American people. It does not belong solely to the FBI, and I sincerely hope they do not intend to stonewall our inquiry into how this happened. I said when I started this investigation that we were going to find out what happened, what went wrong and how to fix it, and I will not be satisfied until we get the answers that the American people deserve.

As Dzhokhar arrives in court today, justice is just beginning. Today, we turn to making sure what he did, is prevented from ever happening again.

Just weeks ago, I walked the streets of Boston with my colleague Bill Keating, and while the city's resilience and strength were obvious everywhere we went—how this attack could have occurred in spite of multiple warnings was still not clear.

In many ways, the Boston bombings serve as an assessment of our counterterrorism efforts over a decade after 9/11, and our investigation will look at how far we have come, and what must be changed to better protect our homeland. Today, by looking at other domestic terror attacks on our soil in addition to the Boston bombings, we seek to identify systemic vulnerabilities in our defenses which could have helped prevent these attacks, and future threats.

Since 9/11 the great challenge to our vast homeland security apparatus remains connecting the dots. While much information is available, we must ensure that we have the best system possible for sharing intelligence, particularly when information so clearly warrants additional scrutiny, as it did with Tamerlan Tsarnaev. In this case, while the FBI had investigated the older suspect, his case was not reopened after his travel overseas to a hotbed of jihadist terrorism. Ultimately, as we refine our post-9/11 counterterrorism policies, this type of failure to follow up must not continue.

This is particularly important as the administration seeks to return to a pre-9/11 approach to fighting terrorism on our soil—a policy perpetuated by its narrative that the conflict with radical Islamists is ending.

Unfortunately, the rhetoric perpetuated by the administration that the threat of al-Qaeda is diminishing, and that its franchises are less dangerous, is not the reality that the United States faces today. For evidence of this, look to the latest edition of al-Qaeda's *Inspire* magazine which praised the Tsarnaev brothers and encouraged other extremists to conduct similar attacks.

Terrorists within the United States, who are inspired by jihadist rhetoric present a new and dynamic threat and must not be looked at as any less deadly than those abroad. In light of Boston, it is more important than ever to find weaknesses in our counterterrorism efforts that can be fixed before another attack is attempted.

By reviewing the events leading to the last five attacks on the homeland since 9/11, we will find patterns that will shed light on what we must improve.

In June 2009, a terrorist targeted an Army-Navy Career Center in Little Rock, Arkansas, killing one soldier and wounding another. Carlos Bledsoe, an American citizen, converted to Islam and spent 16 months in Yemen at a jihadist training camp. Bledsoe had been interviewed by the FBI twice before the shooting, once in Yemen and then again in Nashville. While law enforcement agencies were concerned he may have ties to extremist groups, they did not pursue the matter.

The shooting at Fort Hood in November 2009, is another example of Government officials either failing to recognize, or failing to pursue, a credible threat. There were signs Major Nidal Hasan had become radicalized, but his superiors failed to discipline or discharge him. The FBI was aware Hasan was communicating with the terrorist Anwar al-Awlaki a year prior to his attack on Fort Hood, where he killed 13 people and wounded 43 others, but ultimately this information was not shared with Fort Hood.

The 2009 attempted attack on a Detroit-bound plane Christmas day is yet another example of agencies failing to connect the dots. Umar Farouk Abdulmutallab's father reported his son's extremism and hatred of the West to the U.S. Embassy, but one agency failed to alert another.

The Times Square bomber, Faisal Shahzad, a naturalized U.S. citizen born in Pakistan, was placed on the Traveler Enforcement Compliance, or "TECS" System, between 1998 and 2008. However, this computer system does not share information effectively among databases and consequently Shahzad fell off the radar screen and only luck prevented the bomb from going off.

Finally, the Boston Marathon bombings show that when agencies fail to share critical information about terrorists, they fail to see the full picture—which could point to an eminent attack. We still do not know if the FBI was alerted to Tamerlan's travel overseas, but we do know that no action was taken after the fact, and the Deputy Director of the FBI said that even if they had been notified about the travel, the case was closed and would not have been reopened.

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"Brother residing in the West, grab your chance and walk steadfastly towards your goal. As for me here in Yemen, whenever I move around with explosive around my waist, I wish I am in America."

Those chilling words make it clear that our enemies applaud the actions of Tamerlan and Dzhokhar and they will try again.

We must be better prepared.

Chairman MCCAUL. With that, the Chair now recognizes the Ranking Member of the committee.

Mr. THOMPSON. Thank you, Mr. Chairman.

Thank you for calling today's hearing. I want to thank our witnesses for also agreeing to appear.

Today we will explore five terrorist incidents that have occurred within the United States since the attacks of September 11, 2001. In June 2009, Carlos Bledsoe shot two people at an army recruiting center in Little Rock, Arkansas. He was found guilty and is serving a life sentence.

In November 2009, Nidal Hasan, a major in the U.S. Army, opened fire at Fort Hood, Texas. Jury selection in his trial begins this week.

In December 2009, the Christmas day bomber was arrested in Michigan after trying to detonate an explosive aboard a plane. He was convicted and is serving four life sentences in a super max prison in Colorado.

In May 2010, Faisal Shahzad tried to detonate a bomb in Times Square. He was convicted and is serving a life sentence in a Federal prison.

Finally, in April 2013, two bombs detonated during the Boston Marathon, killing 3 people and wounding 260 individuals. One suspect is dead and the other makes his first public appearance in Federal court today.

So I would like to begin today's hearing by pointing out the similarities in this limited selection of cases. With the exception of the Boston Marathon bombing, each of these attacks were perpetrated by lone actor. All of these attackers will face—have faced trial in the United States, have been convicted, and are serving lengthy sentences.

It appears that the people who committed these attacks were radicalized and turned to violence through contacts outside the United States. In at least two cases, the primary means of violent radicalization appears to have come from on-line contacts. In at least three cases, the attackers were disillusioned and disgruntled young men.

It would seem that these cases stand for several propositions. First, the Federal court system is perfectly capable of handling terrorism cases. As a matter of fact, in 2009 alone, the Department of Justice charged more defendants with terrorism-related charges than any other Federal crime.

Second, because none of these cases were carried out by an organized group, it would seem that terrorists have changed their methods. They have shifted their focus to identifying and isolating particular individuals. A change in tactics by our adversaries should cause us to change our response. Here, our response should focus on acts perpetrated by lone-wolf violent extremists.

Third, because none of these attacks were carried out by an organized group, we can conclude that our efforts abroad have been successful in disrupting their networks.

Fourth, because these attacks involve violent radicalization of disillusioned young men, our focus should be on teaching State and local officials and community leaders to effectively engage and diffuse situations which may cause these roots of anger to grow. Prevention is likely to be more cost-effective than surveillance, trials, or wars.

While this hearing focuses on attacks carried out by Muslim Americans, these lessons we should take from this hearing should not focus on any particular religious group. Over 10 years after September 11, we must expand our focus. By now, we should know that terrorist violence is not limited to any particular ideology or nation.

As the Southern Poverty Law Center reported in March 2013, the number of conspiracy-minded, anti-government patriot groups on the American radical right reached an all-time high in 2012, the fourth consecutive year of growth. The Southern Poverty Law Center concludes that these groups will continue to grow and become more militant during President Obama's second term and due to the National debate on gun control measures.

So it seems that if we are here to be proactive, we should take the lessons we have learned since September 11 and apply them to the evolving face of terror, both at home and abroad.

Additionally, if we are here to be proactive, we should focus on where the systems have failed, the vulnerabilities that remain, and the constructive actions available to this Congress. For instance, we need to understand why one of the accused Boston bombers was listed on two Federal databases but was available to travel to Russia. We need to understand the best and most cost-effective way to fix that problem.

In essence, we can point the finger, or we can find the solution. The choice is ours. In the past, we have not always chosen a deliberate path to problem-solving. For instance, the Christmas day bomber case exposed vulnerability in the checkpoint screening machines used at the airports. Even though that terrorist did not board a flight in the United States, the Government spent about \$800 million on screening machines. Today those machines have been removed from the airports because Americans decided that they were not willing to give up their privacy for security. A few years and \$800 million later, I hope we have found a solution that allows us to preserve privacy while maintaining security.

Also, if we are here to be proactive, we need to understand that solutions cannot be reached without dialogue and an open discussion of the facts. At least two of the cases we are here to examine have yet to be tried in a court of law. Once a verdict has been rendered by a jury, I hope we can look at the evidence in the Fort Hood and Boston Marathon cases, but at this point, our conclusions are likely to be premature and our discussions may undermine a conviction. I am not willing to let anyone escape punishment because of words spoken in this room.

Mr. Chairman, I share your concerns about terrorism in this country since September 11 and look forward to a full discussion of actions this Congress should undertake to meet this challenge in a constructive and bipartisan manner. I yield back.

[The statement of Ranking Member Thompson follows:]

## STATEMENT OF RANKING MEMBER BENNIE G. THOMPSON

JULY 10, 2013

Today, we will explore five terrorist incidents that have occurred within the United States since the attacks of September 11, 2001.

In June 2009, Carlos Bledsoe shot two people at an Army recruiting center in Little Rock, Arkansas. He was found guilty and is serving a life sentence.

In November 2009, Nidal Hassan, a Major in the U.S Army opened fire at Fort Hood, Texas. Jury selection in his trial begins this week.

In December 2009, the Christmas day bomber (Umar Abdulmutallab) was arrested in Michigan after trying to detonate an explosive aboard a plane. He was convicted and is serving four life sentences in a supermax prison in Colorado.

In May 2010, Faisal Shahzad tried to detonate a bomb in Times Square. He was convicted and is serving a life sentence in a Federal prison.

And finally, in April 2013, two bombs were detonated during the Boston Marathon, killing 3 people and wounding 260 individuals. One suspect is dead and the other is awaiting trial before a Federal court in Massachusetts.

So I would like to begin today's hearing by pointing out the similarities in this limited selection of cases.

With the exception of the Boston Marathon bombing, each of these attacks was perpetrated by a lone actor. All of the attackers who have faced trial in the United States, have been convicted, and are serving lengthy sentences.

It appears that the people who committed these attacks were radicalized and turned to violence through contacts outside of the United States. In at least two cases, the primary means of violent radicalization appears to have come from on-line contacts. In at least three cases, the attackers were disillusioned and disgruntled young men.

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So, it seems that if we are here to be proactive, we would take the lessons we have learned since September 11 and apply them to the evolving face of terror, both at home and abroad.

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I am not willing to let anyone escape punishment because of words spoken in this room.

Mr. Chairman, I share your concerns about terrorism in this country since September 11, and look forward to a full discussion of the actions that Congress should undertake to meet this challenge in a constructive and bipartisan manner.

Chairman MCCAUL. I thank the Ranking Member.

In corresponding with Government witnesses, the Members of the second panel have indicated that the topic we are examining today is of a sensitive nature and their answers to our questions may endanger either National security or compromise sensitive law enforcement information, and therefore, it appears the best path forward for this hearing is to recess after the first panel has concluded and reconvene in an Executive Classified session.

Therefore, pursuant to Rule XI, Clause 2(G)(2), of the House of Representatives, I move that the hearing be closed to the public at that time. And under Section 969 of the House Manual, the motion is in order and is not debatable.

The motion is now subject to a recorded vote.

The clerk will call the role.

THE CLERK. Mr. Smith.

Mr. SMITH. Aye.

THE CLERK. Mr. Smith votes aye.

Mr. King.

Mr. KING. Aye.

THE CLERK. Mr. King votes aye.

Mr. Rogers.

[No response.]

THE CLERK. Mr. Brown.

Mr. BROWN. Aye.

THE CLERK. Mr. Brown votes aye.

Mrs. Miller.

Mrs. MILLER. Aye.

THE CLERK. Mrs. Miller votes aye.

Mr. Meehan.

Mr. MEEHAN. Aye.

THE CLERK. Mr. Meehan votes aye.

Mr. Duncan.

Mr. DUNCAN. Aye.

THE CLERK. Mr. Duncan votes aye.

Mr. Marino.

Mr. MARINO. Aye.

THE CLERK. Mr. Marino votes aye.

Mr. Chaffetz.

[No response.]

THE CLERK. Mr. Palazzo.

[No response.]  
THE CLERK. Mr. Barletta.  
[No response.]  
THE CLERK. Mr. Stewart.  
Mr. STEWART. Aye.  
THE CLERK. Mr. Stewart votes aye.  
Mr. Hudson.  
Mr. HUDSON. Aye.  
THE CLERK. Mr. Hudson votes aye.  
Mr. Daines.  
Mr. DAINES. Aye.  
THE CLERK. Mr. Daines votes aye.  
Mrs. Brooks.  
Mrs. BROOKS. Aye.  
THE CLERK. Mrs. Brooks votes aye.  
Mr. Perry.  
Mr. PERRY. Aye.  
THE CLERK. Mr. Perry votes aye.  
Mr. Sanford.  
Mr. SANFORD. Aye.  
THE CLERK. Mr. Sanford votes aye.  
Mr. Thompson.  
Mr. THOMPSON. Aye.  
THE CLERK. Mr. Thompson votes aye.  
Ms. Sanchez.  
Ms. SANCHEZ. Aye.  
THE CLERK. Ms. Sanchez votes aye.  
Ms. Jackson Lee.  
Ms. JACKSON LEE. Aye.  
THE CLERK. Ms. Jackson Lee votes aye.  
Ms. Clarke.  
[No response.]  
THE CLERK. Mr. Higgins.  
[No response.]  
THE CLERK. Mr. Richmond.  
[No response.]  
THE CLERK. Mr. Keating.  
Mr. KEATING. Aye.  
THE CLERK. Mr. Keating votes aye.  
Mr. Barber.  
Mr. BARBER. Aye.  
THE CLERK. Mr. Barber votes aye.  
Mr. Payne.  
Mr. PAYNE. Aye.  
THE CLERK. Mr. Payne votes aye.  
Mr. O'Rourke.  
Mr. O'ROURKE. Aye.  
THE CLERK. Mr. O'Rourke votes aye.  
Ms. Gabbard.  
Ms. GABBARD. Aye.  
THE CLERK. Ms. Gabbard votes aye.  
Mr. Vela.  
Mr. VELA. Aye.  
THE CLERK. Mr. Vela votes aye.

Mr. Horsford.

[No response.]

THE CLERK. Mr. Swalwell.

[No response.]

THE CLERK. Mr. Rogers.

[No response.]

THE CLERK. Mr. Chaffetz.

[No response.]

THE CLERK. Mr. Palazzo.

[No response.]

THE CLERK. Mr. Barletta.

[No response.]

THE CLERK. Ms. Clarke.

[No response.]

THE CLERK. Mr. Higgins.

[No response.]

THE CLERK. Mr. Richmond.

[No response.]

THE CLERK. Mr. Horsford.

[No response.]

THE CLERK. Mr. Swalwell.

[No response.]

Chairman MCCAUL. How am I recorded?

THE CLERK. The Chairman is not recorded.

Chairman MCCAUL. I vote aye.

THE CLERK. Mr. McCaul votes aye.

Chairman MCCAUL. The clerk will report the tally.

THE CLERK. Mr. Chairman on that vote, there were 23 yeas and zero noes.

Chairman MCCAUL. The yeas have it. The motion is—the Chair recognizes the gentlelady from Texas.

Ms. JACKSON LEE. I think—if you want to carry the motion, it is—thank you very, Mr. Chairman. I did vote aye, but if I might engage in a semi-colloquy with the Chairman.

As you well know, we have gone over the last couple of weeks with the public expressing concern, not particularly the topic of this hearing, but particularly concerned about their own security and their own privacy. This vote might be interpreted as a committee desiring to hide information from the public. I know that those of us who voted do not want to hide information from the public and are very sympathetic to their rights to privacy and civil liberties.

My inquiry would be that this hearing be closed is specifically to protect information that directly is perceived by those witnesses to have a direct National security impact, and it is not intended to hide vital information from the American public.

Chairman MCCAUL. The gentlelady—

Ms. JACKSON LEE. I yield to the gentleman.

Chairman MCCAUL. The gentlelady is correct, and I appreciate you making that point. It is unfortunate the FBI has declined to attend even the closed session.

The yeas have it, the motion is agreed to. The committee—

Ms. JACKSON LEE. I thank the Chairman.

Chairman McCAUL. The committee will recess at the conclusion of the first panel, and we will reconvene at 9:00 a.m. on Thursday, July 11. The clerk will find a notice to Members with additional details.

[The information follows:]

COMMITTEE ON HOMELAND SECURITY  
ROLL CALL 4

With Motion by Mr. McCaul to close the hearing and meet in Executive Session on July 11, 2013, after the conclusion of the first panel.

Agreed to: 23 yeas with none voting nay.

Representative	Yea	Nay	Representative	Yea	Nay
Mr. McCaul, Chairman .....	X		Mr. Thompson of Mississippi, Ranking Member.	X	
Mr. Smith of Texas .....	X		Ms. Loretta Sanchez of California	X	
Mr. King of New York .....	X		Ms. Jackson Lee .....	X	
Mr. Rogers of Alabama .....			Ms. Clarke .....		
Mr. Broun of Georgia .....	X		Mr. Higgins .....		
Mrs. Miller of Michigan .....	X		Mr. Richmond .....		
Mr. Meehan .....	X		Mr. Keating .....	X	
Mr. Duncan of South Carolina .....	X		Mr. Barber .....	X	
Mr. Marino .....	X		Mr. Payne .....	X	
Mr. Chaffetz .....			Mr. O'Rourke .....	X	
Mr. Palazzo .....			Ms. Gabbard .....	X	
Mr. Barletta .....			Mr. Vela .....	X	
Mr. Stewart .....	X		Mr. Horsford .....		
Mr. Hudson .....	X		Mr. Swalwell of California .....		
Mr. Daines .....	X				
Mrs. Brooks of Indiana .....	X				
Mr. Perry .....	X				
Mr. Mark Sanford, Chairman .....	X				
<b>Vote Total:</b>				<b>23</b>	<b>0</b>

Chairman McCAUL. We are now pleased to have three distinguished witnesses on our first panel to discuss this important topic. First, we are very pleased and honored to have the Honorable Rudolph Giuliani. Needs little introduction here, but I will give a short one. Served as mayor of New York City from 1994 to 2002, most notably serving as mayor during the terrorist attack of September 11, 2001. Prior to his service as mayor, Mr. Giuliani served as U.S. attorney for the Southern District of New York, which many at Justice would argue is the best U.S. attorney's office in the Nation, from 1983 to 1989. Throughout his career, Mr. Giuliani has received many awards and commendations, including being named *Time* magazine's person of the year for 2001 and receiving the honorary knighthood from Queen Elizabeth, II, in 2002.

Thank you so much for being here.

The Honorable Michael Leiter served under two Presidents as director of the National Counterterrorism Center from June 2008 to July 2011. He remains a highly respected voice on terrorism threats, on National security. Currently Mr. Leiter is the senior counsel to the chief executive officer at Palantir Technologies. In addition, he serves as a National security and counterterrorism analyst for NBC News.

Dr. Bruce Hoffman is the director of the Center for Security Studies and a tenured professor at Georgetown University School of Foreign Service. Professor Hoffman was scholar in residence for counterterrorism at the Central Intelligence Agency between 2004 and 2006, and served as an advisor on counterterrorism to the Coalition Provisional Authority in Baghdad, Iraq, during the spring of 2004.

I thank you both, Michael Leiter and Dr. Hoffman, for being here today.

The witnesses' full statements will appear in the record.

The Chair now recognizes Mayor Giuliani for 5 minutes for an opening statement.

**STATEMENT OF THE HONORABLE RUDOLPH W. GIULIANI,  
FORMER MAYOR, NEW YORK CITY**

Mr. GIULIANI. Mr. Chairman, Ranking Member, distinguished Members of the committee and guests who are here. It is a privilege to testify before you on this important subject.

Since September 11, 2001, there is rarely a day that goes by that I am not asked by someone: Are we safer today than we were before September 11? The answer to that question has never been actually a clear yes or no. In some ways, the answer is yes, we are safer; in other ways, we just haven't given it enough attention to certain areas that make us vulnerable, or we haven't anticipated it, because we can't anticipate everything.

I would say that probably the prevailing view right now among most security experts is that we have improved our safety and security with regard to attacks by air; we have improved our safety and security with regard to attacks by very large, well-recognized, and identified terrorist groups; but that we are now much more vulnerable to attack by either single individuals or much smaller groups who are acting on their own. We have seen a few very recent attacks like that, Boston being one of them, Little Rock, Fort Hood before that, the attempted attack in Times Square, the successful attack at Fort Dix, and the air attack that was foiled over Detroit.

Of course, the one in Boston was probably the one that—was probably the one that got everyone riveted around the idea that the single or small attacks are now something that we have to really worry about, but they really are not new, and they have actually gone back quite some time. Maybe in some way it is a failing of ours that it takes us so long to identify these things as a new method of attack.

I mean, the new method of attack in Boston goes back to at least 2005 in London, when essentially a very similar kind of thing happened. Homegrown terrorists in England, people who were U.K. citizens, in a very surprising way to the U.K. authorities attacked the city of London. It just so happens I was there that day and observed that attack and got very involved in the aftermath of it. From that point on, we all should have been alerted to the fact that this is a very deliberate part of the Islamic extremist ideology to use single individuals, smaller groups, as a way of attacking us. Going back to the early part of this century, bin Laden was encouraging people to do that.

So maybe one of the things we can examine is why it takes us so long, 10 years, to recognize this as a new form of attack, when in fact this is a very old form of attack.

The individuals and the small groups that do these attacks largely operate on their own, but usually there are some training or encouragement from a more organized or established outside group, and these smaller parters adopt on their own some or all of the extremist jihadist message, sometimes with outside encouragement, sometimes with support, very rarely completely on their own.

These self-generated terrorists operate in ways that make them much harder to detect, and sometimes just as dangerous as the more highly organized groups. They are more difficult to detect, because they engage in many fewer electronic wire communications with organizations that we have under physical or technological surveillance or that we have infiltrated with undercover agents.

Large international groups that are going to carry out a terrorist plot almost has to trip over some of our things that we have put there to detect them. They have got to communicate by phone. They have got to transfer money. They have to transfer equipment. They have to move people. They almost always have to deal with someone who is giving us information. The chances of our detecting a large, well-organized plot is much, much greater than a young man, or two young men in Boston or New York, planning on their own to do this, where maybe they make a few contacts, but they are relatively few and very hard to find in the avalanche of information that comes to intelligence services every day.

One or two people who are motivated on their own by reading *Inspire* magazine, following jihadist websites, attending mosques that encourage violent jihadism. Certainly not all mosques do that by any means, but it would be foolish to ignore the fact that some mosques inspire violent jihadist terrorism.

Indeed, the first attacked that really shocked the country in 1993 in my city was inspired in a mosque in Union City, New Jersey, by a Muslim cleric, who is now serving 100 years in prison.

These are much, much harder to detect, and these individuals acting alone can be extremely dangerous, because although they operate independent of one another, and it is perfectly accurate to describe them as independent actors, sometimes that is deceiving, because these independent actors are connected by a very, very well-defined common cause, Islamic extremism or jihadism. Even if no single act of theirs can do the damage of a September 11, 2001, smaller, more frequent attacks that can kill people, shock the country, show us how vulnerable we are, can just as well serve the goal of these jihadist groups, which is, after all, to try to frighten us, to destabilize us, to make us become less confident in our system of government.

So how do we deal with these sporadic, smaller groups? How do we change our approach to terrorism so that we can detect them as effectively as we have been able to detect the much larger groups?

As a threshold matter, we shouldn't begin by stopping doing what we are doing on the larger groups. This has actually been very effective, and it would be very unfortunate if we were to take some resources away from dealing with the larger groups in order

to deal with the smaller groups. This should be an expansion of what we do, rather than in any way a contraction of what we do, because these groups still pose a mortal threat to us. It may be this new method of terrorism is new to us, it is not new to them, and the old method of terrorism is still very much alive and well. These large groups are, as we speak today, planning somewhere in the world to come here and bomb us in some kind of a spectacular way, and any attempt to back off that with the thought that we have conquered them would be exceedingly unrealistic and very, very dangerous. We have by no means conquered well-organized Islamic terrorist groups.

Whether we recognize that we are at war with them is almost completely irrelevant, because they are at war with us. The real question is: Are we going to recognize they are at war with us or are we going to fool ourselves into a very, very dangerous state of denial?

However, the first thing we must recognize about these smaller groups is we have to be able to identify them with precision. Violent jihadism is an ideological serial killer. The way to catch a serial killer, which I have had some experience with, is to recognize the connection between the murders; find the common threads and the shared motivations in the devious act, and then, hopefully as early as possible, you catch the serial killer. If you go on for years not recognizing the common threads, being afraid to identify the common threads because you are so frightened of political correctness that you can't state the logical conclusion, then those serial killings go on interminably. It is absolutely vital that we identify our enemy correctly, because it is very, very hard to find someone that you don't identify correctly.

These attacks on our homeland and others, such as the 2005 London bombing, have been connected by a common motivation and a singular purpose. The underwear bomber, the Times Square attempt, the Tsarnaev brothers, Major Hasan, who announced at Fort Hood that he was killing in the name of Allah, were all adherents to the jihadist goal of Islamic domination and the murder of free and innocent people, whom they regard as infidels in order to accomplish that goal. Failure to recognize these common threads leads to a great deal of wasted effort. In analyzing the avalanche of data presented to intelligence analysts every day, we often describe it, and it is absolutely accurate, that these people are looking for a needle in a haystack. It is not for just any needle. It is a needle that has very clear identifiable characteristics.

So, in order to confront this threat effectively, we have to purge ourselves of the practice of political correctness when it goes so far that it interferes with our rational and intellectually honest analysis of the identifying characteristics that help us to discover these killers in advance.

For example, and this is with the benefit of hindsight, there would have been a much greater chance of preventing Fort Hood and possibly, and this I emphasize as "possibly," the Boston bombings if the relevant bureaucracies had been less reluctant to identify the eventual killers as potential Islamic extremist terrorists. Bureaucracies respond to the message that they get from above. Leadership in Government requires understanding that the signals

sent by a chief executive, the President, a Governor, the mayor, the head of a police department, the head of the FBI, affect the behavior of bureaucracies, they respond to them.

A message conveyed from the top that it is inappropriate to label someone an Islamic extremist, almost no matter how compelling the proof, will make bureaucracies reluctant to pursue leads that would otherwise be pursued.

You can't fight an enemy you don't acknowledge. If the party line is to never use the words "Islamic extremist terrorist," if there is a reluctance to label something as a jihadist act, then the result the next day and the day after and the day after that is a bureaucracy that is paralyzed by a greater fear of being wrong that they are going to identify someone as an Islamic extremist terrorist than they are going to be wrong about preventing a bombing.

The elevation of political correctness over sound investigative judgment and data collection certainly explains the failure to identify Major Hasan as a terrorist. Despite repeated indications of his jihadist views, not only did political correctness fail to identify him as a terrorist, it led to his being promoted in the United States Army.

That political correctness has been extended so far, that the current administration describes his act as workplace violence. This isn't just preposterous. What we fail to realize, this is dangerous to do this. It leads to all sorts of mistakes being made by the bureaucracy, who realize that they can't identify people correctly without great fear that they are going to be in trouble.

Even at this date, it would surely be enormously helpful if the Fort Hood attack were described as an act of terror. After all, the man was yelling "Allahu Akbar" as he was slaughtering people. We don't need to discover his motivation. He explained his motivation to us. We just failed to listen to it.

The application of political correctness to the investigation of Tamerlan Tsarnaev and his brother prior to the Boston bombing is not as clear. I can't be certain that that played a role in a failure to investigate with the vigor and the intensity that in hindsight it seems should have been done, but it is certainly a question worth asking. Would other steps have been taken if this fear wasn't so great that, gee, you might make a mistake and identify someone as an Islamic extremist terrorist who wasn't? That is certainly something that is absolutely required to pursue.

Expanding our defenses against these isolated or smaller groups is going to require a very different strategy. It is going to require a significant involvement of local law enforcement. If the genesis of this terrorism is domestic, which it obviously is, then our only chance to detect it, our only real chance to detect it in advance is if the FBI and other Federal agencies use local law enforcement as their eyes and ears. There are only about 12,000 to 13,000 FBI agents for the entire world. There are 35,000 New York City police officers for one city. There are 800,000 police officers for our country; 12,000 FBI agents; 35,000 police officers; 800,000 police officers Nation-wide. If you are trying to find a needle in a haystack in a community in America, the FBI cannot do it. They just don't have the numbers to do it. The New York City Police Department, the Boston Police, the Los Angeles Police, the Washington Police, they

have the numbers to do it, and the reality is that they have to be trained in how to detect terrorism.

Former Police Commissioner William Bratton, who was my police commissioner in New York and the police commissioner in Los Angeles, has developed an excellent protocol called “the precursors of terrorism,” things that police officers can be trained to do to look for terrorists that give you signs of a possible terrorist threat.

Over the past 15 years, and certainly over the past 2,000, because I have been in law enforcement about 2,000 years, I think, but going back to the 1960s and 1970s, I have worked with the FBI and local police, the FBI has made enormous progress in bringing in State and local law enforcement. The level of cooperation today is light-years ahead of what it was when I first got involved in law enforcement in the 1970s. The Joint Terrorism Task Force in New York City, which was established way back in the 1970s, I worked with in both capacities as the United States attorney, basically in charge of what they were doing, and as the mayor of New York City, who supplied their police officers, and the level of cooperation there is superb. I could give you one example after another of terrorist acts they have prevented in New York when I was U.S. attorney, when I was mayor, and now under Mayor Bloomberg, but the reality is more has to be done in order to foster this cooperation.

I don’t know, the committee will find out, if the FBI properly notified the Boston Police, was there a notification within the JTTF, wasn’t there. Apparently, it didn’t get to the police chief about the information from Russia. I believe there was an obligation to notify. Don’t know if it happened or it didn’t happen.

But there is a second reason why the Boston Police should have been notified, and it wasn’t just to notify the Boston Police, it was to ask for their help. If the FBI receives notification from the government of Russia that a man is a suspected terrorist and the FBI doesn’t know if the man is a suspected terrorist or not but has to investigate this, where would you go immediately? Where should you go immediately to get information about that, but to the police department in the place where this man lives, not just to notify them, but to ask for their help, to ask them for all the information they have about him, to ask them to put him under surveillance, to ask them to watch him.

When the man engaged in a very, very strange act of going to Russia—and going to Russia should have been just a massive act, it should have set off all kinds of alarms. If I am correct about this, his family left Russia and obtained political asylum in the United States, saying that if they went back to Russia, they would be persecuted. Now all of a sudden, he is going back to Russia, and no one connected the dots; place that he is going to be persecuted, place that he is going back to. He obviously wasn’t going back to listen to the Moscow symphony. He had to be going back for a purpose that was nefarious.

Those dots weren’t connected. That information wasn’t passed on to the Boston Police when he returned, who would have been in a position to put him under surveillance. The FBI couldn’t do that with its small forces. I think that is the area that I would examine, that I think would be a great benefit to law enforcement. Why did

that connection—did the connection get made? I don't know. Maybe it did. If it didn't get made, why didn't it get made? Most importantly for our future, in the future, let's make certain that it does get made, because this is not the last act like this we are going to—we are going to—we are going—we are going to face. So I think you have some very important questions to ask.

In assessing our level of danger from and our defenses against terrorism, both President George W. Bush and President Barack Obama have continually warned us, no matter how effective we are, we have to succeed 100 percent of the time, and the terrorists only have to succeed one time. Both Presidents are absolutely correct, and because of that, our response to terrorism in America must be subjected to constructive criticism and excruciating analysis. It must be free of political correctness, and it must be constantly reevaluated to reduce our percentage of failure of terrorism to as close to zero as possible.

That is what you are engaged in, and I very much respect what you are doing. Thank you.

[The prepared statement of Mr. Giuliani follows:]

PREPARED STATEMENT OF RUDOLPH W. GIULIANI

Good morning, Mr. Chairman and Members of the committee, and thank you for inviting me to address the critical topic of attacks on our homeland.

Since September 11, 2001, rarely a day goes by that I am not asked “are we safer today than we were before the 2001 attacks?” The answer has never been a clear “yes” or “no.” It's always been a question of areas of increased security and areas where we either have not given enough attention or just not anticipated.

The prevailing view today among security experts is that although we have improved our safety and security with regard to attacks from the identified and organized Islamic extremist terrorist groups, we are vulnerable against attack on our homeland by a single individual or small, previously-unidentified groups. This is not a new phenomenon. It happened at Little Rock and Fort Hood. It was stopped in Times Square and Fort Dix, and foiled in the air over Detroit. And of course, most recently, we saw it in Boston. At the time of the Fort Dix plot, then-U.S. attorney Chris Christie, who developed that case with the FBI and local police, told me quite prophetically that home-grown terrorism would be as great a threat as the more organized international efforts.

The individuals and small groups that organize these attacks act largely on their own, but usually with some training or encouragement from more organized or established foreign terrorist groups. These smaller plotters adopt, on their own, some or all of the Islamic extremist jihadist message of the larger groups, sometimes with outside encouragement or support from the larger groups. Indeed, Osama bin Laden and others urged on these smaller, locally-planned attacks and they continue to be promoted by other extremists. And each time they act they reveal just how vulnerable an open and free society can be.

These self-generated terrorists operate in ways that make them both hard to detect and, sometimes, just as dangerous as the more highly-organized and established groups. They are more difficult to detect because they engage in fewer electronic and wire communications with people and organizations whom we may have under physical or technological surveillance or that we may have infiltrated by informants or undercover agents. If a larger international terrorist organization sets out to launch an attack in the United States, there is a good chance that they will trip a proverbial wire or appear on a radar screen that has been set up to detect them and prevent them for completing their twisted goal. It can happen by having contact with an informant or undercover agent or by monitoring their electronic or wire communications.

On the other hand, one or two people who are motivated on their own by reading *Inspire* magazine, following jihadist websites, or attending mosques that encourage violent jihadism, are much harder to detect. It is true that the self-starting, self-motivated jihadists sometimes make contact with established groups, but it is usually infrequent, and the contacts can be buried and impossible to single out in the massive volume of data that we collect.

And as we have seen, these individuals, acting alone or with one or two others, can be extremely dangerous because, although they operate independent of one another, they are united by a common cause—Islamic extremism or jihadism. Even if no single act of theirs can do anywhere near the damage of September 11, 2001, the smaller, more frequent attacks motivated by the same cause—jihadism—can kill and can induce the kind of widespread fear that is the goal of a terrorist attack in the first place.

So how do we combat these sporadic, disorganized, but highly dangerous attacks on our homeland? In my view, what is required is not a change in our plan to protect against terrorism, but an expansion of it.

As a threshold matter, there should be no reduction in the effort against the organized terrorist groups like al-Qaeda and its branches and affiliates. They still pose a mortal threat and often play a role in influencing or assisting the self-generated jihadists. Surveillance of these organized and established terrorist groups can help us identify the self-generated jihadists and prevent attacks, so we must keep the pressure on the larger groups.

At the same time, we must recognize the threat posed by smaller groups and identify it with precision. Violent jihadism is an ideological serial killer, and the way to catch a serial killer is to recognize the connection between murders, find the common threads, and the shared motivations in the devious acts. The same is true of the self-generated jihadists who seek to attack us at home. Theirs are not the isolated, unrelated acts of violent individuals. They are related by a common cause, a similar motivation, and a singular purpose: To advance the goals of Islamic extremism. Acknowledging the connection makes it easier to identify suspects and stop attacks in advance.

The attacks on our homeland, and others such as the 2005 London bombing, have been connected by a common motivation and a singular purpose. The underwear bomber, the Times Square attempt, the Tsarnaev brothers, and Major Hasan—who announced at Fort Hood that he was killing in the name of “Allah”—were all adherents to the jihadist goal of Islamic domination and the murder of free and innocent people whom they regard as infidels. Failure to recognize these common threads leads to a great deal of wasted effort in analyzing the avalanche of data presented to intelligence analysts. Every day they are looking for a needle in a haystack and it’s not just any needle, it’s a needle with very clear, identifiable characteristics.

So, in order to confront this threat effectively, we must purge ourselves of the practice of political correctness when it interferes with our rational and intellectually honest analysis of identifying characteristics that help us to discover these killers in advance.

For example, there would have been a greater chance of preventing Fort Hood and maybe the Boston bombings if the relevant bureaucracies had been less reluctant to identify the eventual killers as potential Islamic extremist terrorists. Bureaucracies respond to the message they are getting from the top. Leadership in Government requires understanding that the signals sent by a chief executive, a President, a Governor, or a mayor affect the behavior of bureaucracies, even ones such as the military and the FBI. In the present climate, the message being conveyed from the top is that it is inappropriate to label someone an “Islamic extremist” no matter how compelling the suspicions. But you can’t fight an enemy you don’t acknowledge. If the party line is to never utter the words “Islamic extremist terrorist,” if there is reluctance to label clear acts of terror motivated by jihadism as part of a radical global movement, then the result is a bureaucracy paralyzed by the fear of incorrectly identifying someone as an Islamic extremist terrorist.

This elevation of political correctness over sound, investigative judgment and data collection certainly explains the failure to identify Major Hasan as a terrorist despite repeated indications of his jihadist views. Not only did political correctness lead to a failure to identify him as a suspected terrorist, but it went so far as to cause his superiors to promote him from captain to major. Indeed, the tyranny of political correctness has been extended so far that Major Hasan’s actions have been labeled as “workplace violence.” That is not just preposterous, it is dangerous. Even at this late date, it would surely send a message if the Fort Hood attack were designated as an act of terrorism, which it was, and there was a clear statement from our leaders that investigators should worry more about preventing terrorist attacks than the consequences of being accused of profiling.

The application of political correctness to the investigation of Tamerlan Tsarnaev prior to the Boston bombing is not as clear, but its impact may have played a role in the failure to identify Tsarnaev as a suspected terrorist even after warnings by the Russian government. It is certainly worth asking the question whether the fear of incorrectly identifying Tsarnaev as a suspected Muslim extremist might have

played a role in not taking all the steps that seemed prudent given his suspicious behavior and determining whether the Russian warnings about him had any merit.

Expanding our defenses also means much greater involvement by local law enforcement. If the genesis of this terrorism is domestic, then our only chance to detect it is if the FBI and other Federal agencies use local law enforcement as its “eyes and ears.” There are only about 12,000 agents in the FBI right now—and we may lose some of those men and women if sequestration does not end. New York City alone has 35,000 police officers. There are over 800,000 other State and local police officers Nation-wide. Large numbers of these officers must be trained to detect what former New York and Los Angeles Police Commissioner Bill Bratton has described as “the precursors of terrorist acts.”

Over the past 15 years, the FBI has made great strides in involving local police through joint terrorism task forces and other collaborative efforts. But this process must continue in order to break down any remaining reluctance to share and involve the “locals.” We give ourselves a much greater chance of identifying future attacks if the FBI and other Federal agencies include the local police as an extension of their investigatory reach.

Some believe that the threat of self-induced jihadism on our shores reduces the need for technological surveillance. Actually, just the opposite is true. We need every tool at our disposal. It is true that the smaller jihadi groups do not communicate internationally with the frequency of the established terrorist groups. Nor do they leave international money trails or travel records. But that does not mean that they never communicate. Major Hasan sought advice from Anwar al-Awlaki. The older Tsarnaev brother made a very suspicious trip to Russia. These acts should have raised major concerns. In Tsarnaev’s case, he and his family were granted political asylum in the United States by convincing American authorities that if they were returned to Russia they were in danger of political persecution. But all of a sudden, Tamerlan Tsarnaev returned to the place he claimed would persecute him. This should have immediately raised a red flag and led to increased surveillance upon his return to the United States.

No matter how new, or how different, this threat of homeland terrorism is, the most important thing for us to continue to develop at home and abroad is human intelligence. One of the risks of gathering so much information through advanced technology is that it tends to give us a false sense of security. The large volume of electronic data collected every day is of no use if the few items of relevant information can’t be separated from the much larger volume of irrelevant information. The most useful source of information that allows our analysts to develop the key words and phrases and numbers to highlight and focus on is the information gathered through human intelligence—informants and undercover agents. We must constantly develop human intelligence sources.

In assessing our level of danger from, and our defenses against, terrorism, both President George W. Bush and President Barack Obama have continually warned us that no matter how effective we are, we have to succeed 100% of the time, and the terrorists only have to succeed one time. Both Presidents are correct, and because of that, our response to terrorism in America must be subjected to constructive criticism and excruciating analysis, must be free of political correctness, and must be constantly re-evaluated to reduce our percentage of failure and the terrorists’ percentage of success, to zero.

Thank you.

Chairman MCCAUL. Thank you, Mayor. Thank you so much for being here and thank you for your insightful testimony.

The Chairman now recognizes the Honorable Michael Leiter for 5 minutes.

**STATEMENT OF THE HONORABLE MICHAEL E. LEITER,  
FORMER DIRECTOR, NATIONAL COUNTERTERRORISM CENTER**

Mr. LEITER. Mr. Chairman, Ranking Member Thompson, Members of the committee, it is a pleasure to be back in front of you, also an honor to be with both Mayor Giuliani and Bruce Hoffman, two counterterrorism icons.

Before reflecting on the five instances where our defenses were not perfect, I really do want to begin with some of our successes, because in truth, they are a lot more prevalent than the tragic

counterparts. I am always very careful saying this, because the loss of 18 people is a tragedy and I don't want to underestimate that. I have met at Dover Air Force Base the bodies of our fallen soldiers. I have known people who have been killed by terrorists, so I don't want to make light of the losses we have suffered, but frankly, in my view, it is nothing short of remarkable that since 9/11, we have had a total of 18 people killed in the homeland by al-Qaeda-inspired terrorism: 13 at Fort Hood; 1 at Little Rock; and 4 in Boston most recently. These were all tragic, and they have an enormous psychological effect on the entire country, but in my view, this toll is simply astounding.

I would venture a potentially dangerous guess, but if I had asked the Members of this committee on September 12, 2001, how many Americans would be killed by terrorists in the United States over the subsequent 12 years, not one of you would say 18. Many of you would say 1,800. Some of you might say 18,000. So our record is far from perfect, but it is pretty good.

In my view, the roots of this success come in many forms. First, the incredibly successful offensive strikes in Pakistan and Yemen and elsewhere that have crushed al-Qaeda overseas; excellent human and technical surveillance and intelligence to penetrate these networks abroad and domestically; improved screening of travelers and cargo traveling to the United States; vastly accelerated and improved information sharing amongst Federal agencies; improved domestic counterterrorism intelligence investigations led by the FBI, but as the mayor intimated, very much done in conjunction with DHS, and even more importantly, State and local authorities; as we saw in Boston, first responder and community preparedness to avert an attack to reduce the consequences of that attack; and finally, a piece which I think is central and can often be lost in the counterterrorism dialogue, unfortunately, community engagement, especially with the American Muslim community to reduce the attractiveness of the message and ensure that the community feels that they are one with the Government's intention.

So the concrete result of this is a very long list, but very briefly: The 2011 arrest of Khalid Aldawsari in Texas, the 2010 destruction of the attempt to take down two U.S. cargo planes by al-Qaeda in the Arabian Peninsula, Najibullah Zazi's arrest as he attempted to bomb the New York subway system in 2009, the 2008 arrest of Bryant Neal Vinas, who plotted with al-Qaeda in Pakistan to attack the New York City trains, a 2007 attack in Fort Dix to attack soldiers, and in 2006, the disruption of Operation Overt to down numerous airliners.

Now, again, our defenses aren't perfect, but I want to stress that, and I say this completely apolitically, we have to accept that counterterrorism perfection is impossible. This isn't an excuse. I take responsibility for those plots that I didn't help stop and that we didn't stop before an attack happened, but we do have to have realistic expectations so we don't have partisan witch hunts after the fact.

So what should the American people and you expect? That it is far less likely that we have large-scale successful attacks and that it is significantly less likely that we have small-scale attacks, but even some of the examples that the committee has mentioned as

failures, I would note it is a layering of counterterrorism defenses which helped make them not be successful.

The case of Times Square, it is undoubtedly true that we did not identify Faisal Shahzad before the fact, but one of the reasons that his bomb failed was Faisal Shahzad knew that the FBI had trip-wire programs in place and that if he bought a certain type of fertilizer, they would be tipped off. The result: He bought a type of fertilizer that wouldn't explode.

In the case of the Christmas day bomber, once again, we failed to identify the individual, but what was al-Qaeda in the Arabian Peninsula forced to do? Use a detonator that was less likely and, in fact, failed to work.

All of that being said, what are some quick lessons that I would learn and I would urge this committee to learn from the five plots where we didn't fully succeed? First, and I think I have a slightly different view than the mayor on this, but I agree with much of his thrust, recognizing radicalization is undoubtedly critical. We need to improve our training. We can't be afraid to train both the FBI and State and local officials so they understand radicalization. I do think that, at least in the case of Fort Hood, a failure to recognize that radicalization process and Major Hasan's violent inclinations were a factor in not stopping that plot.

But with that, I must say, in my 6½ years working intelligence and counterterrorism in the U.S. intelligence community for two Presidents, the idea that political correctness in any systematic way affected our efforts to find, locate, and either kill or arrest terrorists is simply beyond me.

Second, al-Qaeda-inspired messages on the internet are here to stay, and we have to do more to understand them, track them and, to some extent, disrupt them. I think the case of Boston is an interesting one, and I do believe that the FBI, Homeland Security, State and local officials need to work together more closely to allocate responsibility to monitor those virulent websites that produce some of the radicalizing influences that we have seen in some of these cases. I believe this is a current weakness.

Third, the shift from radicalization to mobilization is incredibly hard to detect and is resource-intensive. If we could put surveillance on everyone who is radicalized, this would be pretty easy. We would watch them, and when they moved to violence, we would stop them. We can't. We can't with Federal resources. We can't with all our State and local resources. There are too many. Detecting that tipping point where someone moves from radicalized to mobilized is the very hardest piece.

I believe in the case of Carlos Bledsoe, the Federal Government failed to do that effectively, but it is not clear to me that there were resources in place that would have been able to follow him sufficiently to stop the shooting at the Army Recruiting Center.

Fourth, information sharing within the U.S. Government has to be maintained. I think the case of Fort Hood does represent the low point in this. It was a failure to share information between the FBI and Department of Defense and a failure to provide some information to the National Counterterrorism Center and similar organizations. This has to continue to be pressed. Even in light of what we have heard about NSA surveillance, I believe this committee must

continue to press the Executive branch to make sure this information is provided to the agencies that can connect the dots when that is possible.

Fifth, joint terrorism task forces, joint terrorism task forces of the FBI are critical and do excellent work, but they don't do everything. The lacking piece, which may have been present in the Boston bombing, is those cases that the FBI and the JTTFs cannot continue to investigate when they don't have the resources or they deem something not to be a sufficient threat. In those cases, we must create a better system linking the FBI, State and local fusion centers, and State and local authorities to pick up those smaller pieces. In my view, although we have invested an enormous amount in State and local fusion centers over the past 12 years, the fusion centers, the JTTFs, and State and local officials are not sufficiently tied together.

Chairman McCaul and Ranking Member Thompson, I think you have known me for the past several years to be very committed to this problem. I would urge this committee to keep the pressure on the administration but to also provide the service that you must to the American people to convince them that the members of the Federal Government and State and local officials are not spying for the sake of spying and that you as a committee are, in fact, holding the Executive branch's feet to the fire to ensure that their civil liberties and privacy are being protected.

I thank Ms. Lee, Ms. Jackson Lee for making the statement. Much of this cannot be spoken about in open hearings, but as much as we can, we must, because without the trust of the American people, the FBI, the CIA, the Department of Homeland Security, the police departments across this country would be looked at as the enemy, and we cannot allow that to happen, because once that happens, our efforts to actually disrupt these terrorist acts would be seriously undermined. Thank you.

[The prepared statement of Mr. Leiter follows:]

#### PREPARED STATEMENT OF MICHAEL E. LEITER

##### OVERVIEW

Chairman McCaul, Ranking Member Thompson, and Members of the committee, thank you for inviting me to testify concerning past terror plots against the homeland. Although the membership on this committee has changed over the years, this body has always been at the forefront of understanding threats and shaping our Government's response to them. On behalf of those who continue to serve in homeland security and intelligence organizations, I want to thank the committee for its continuing oversight and support.

For the men and women of the U.S. counterterrorism community, there is no priority higher than detecting, disrupting, and—if all else fails—minimizing the effects of a terrorist attack in the homeland. Since 2001, our record obviously isn't perfect, but it is in my view truly impressive. Today I will offer my views on what has gone well and also what we can learn from the near misses—and tragic terrorist successes—over the past 12 years.

##### THE SUCCESSES

Before reflecting on five instances where our defenses weren't perfect, I must begin with the successes—because they are in truth far more prevalent than their more tragic counterparts. One cannot judge the extent of our success merely by considering casualties, but it is at least a starting point.

In my view it is nothing short of remarkable that since the tragedy of 9/11, 18 people have been killed in the United States by al-Qaeda-inspired terrorists: Thirteen at Ft. Hood, one in Little Rock, Arkansas, and most recently four in Boston.

Again, all of these deaths as well as those who were injured are tragic tales of loss to families and friends. Moreover, these attacks result in emotional and psychological scars for Americans far from the sites.

As just noted, however, I firmly believe this relatively small toll is not just noteworthy but almost astounding. Yes it is 18 too many, but had I polled this committee's predecessors on September 12, 2001, as to what the toll of al-Qaeda might be over the subsequent 12 years, I am confident that the answers would have been in the hundreds, thousands, or perhaps even tens of thousands. The reason this has not been the case is not because al-Qaeda and its adherents have capitulated. Rather, it is solely because of counterterrorism offensive and defensive successes in the homeland and around the world.

The roots of these successes come in many forms. Key amongst them:

- Offensive strikes overseas that have disrupted al-Qaeda's leadership in Pakistan and Yemen.
- Excellent human and technical intelligence—collected both unilaterally and in cooperation with our allies—to penetrate terrorist networks and disrupt plots.
- Improved screening of travelers and cargo traveling to the United States.
- Vastly accelerated and improved information sharing amongst organizations like the CIA, NSA, FBI, DHS, DOD, and National Counterterrorism Center (NCTC).
- Improved domestic counterterrorism intelligence and investigations, led by the FBI but supported by DHS and State and local authorities.
- First responder and community preparation to respond to attacks and mitigate their seriousness.
- Community engagement to reduce the attraction of al-Qaeda's message in the Muslim community.

The concrete result of this work is a long list of disrupted plots that must be remembered: The 2011 arrest of Khalid Ali-M Aldawsari in Texas as he plotted to attack power plants, military targets, and others; the 2010 attempt to take down two U.S. cargo planes with bombs made in Yemen; Najibullah Zazi's 2009 attempt to attack the New York City subway; the 2008 arrest of Bryant Neal Vinas who homeland attacks with al-Qaeda in Pakistan; a 2007 plot to attack soldiers at Ft. Dix, New Jersey; and the 2006 Operation Overt that disrupted a plot to bomb numerous transatlantic airliners.

Of course, these are but a sample of the much larger set of disrupted plots that have kept the American people and our allies far safer than they otherwise would have been. Regrettably, our defenses are not—nor can they ever be—perfect. And in this regard, the successful attacks and the nearer misses can illuminate how our efforts can be improved.

#### LEARNING FROM OTHER PLOTS

At the committee's request, I will now address five plots that ended with less success than any counterterrorism professional or the public hoped. Specifically, the 2009 murder of an Army recruiter in Little Rock, Arkansas; the murder of 13 in Ft. Hood, Texas that same year; the failed plot to down Northwest Airlines Flight 253 on Christmas day 2009; the attempted car bomb in Times Square in 2010; and finally the recent tragic events surrounding the Boston Marathon that left 4 dead.

To begin, all of these certainly represent instances where we could have done much better. But it must be stressed—and I say this as an apolitical National security professional—we must accept that counterterrorism perfection is impossible. This is not to make excuses, and I take personal responsibility for my own contributions to instances where we didn't stop an attack before it happened, but rather to set realistic expectations so that we don't have partisan witch hunts after the fact.

In my view what the Congress and American people should expect is that their Government will continue to reduce the likelihood of a catastrophic attack. By this I mean that major attacks like 9/11 should be extremely unlikely to occur thanks to our defenses, and even smaller-scale attacks like Boston will often—but not always—be thwarted. Moreover, whatever attacks do get through the gravity of the results should be mitigated by effective pre- and post-attack measures. This last point is critical, for the counterterrorism system has purposeful overlapping defenses because we know that no single countermeasure will always prove successful.

In several of the cases raised by the committee, systematic defenses have been the backstop after we failed to identify specific plots or operatives before the fact. For example, in the case of Times Square the bomber was aware of FBI tripwire programs that resulted in his buying the wrong type of fertilizer to make an effective bomb. Similarly, in the case of the Christmas day bomber, passenger screening led al-Qaeda to use a less effective detonator than they otherwise might thus pro-

viding passengers and crew critical moments to disrupt the attack. Thus, although both of these attacks were far closer than we would have liked, the full panoply of defenses were critical in saving lives.

All of this being said, I believe there are several critical lessons to be learned from these five plots.

*Recognizing radicalization remains critical.*—Through excellent analytic work in the intelligence community, we understand the radicalization process better today than ever before. Nonetheless as several of the cases illustrate, there is no radicalization formula nor has our understanding migrated fully to those operators who are on the front lines. The FBI has improved training to agents and analysts, but we should ensure that all interagency, State, and local members of the Joint Terrorism Task Forces have high-quality training on radicalization using the full resources of the U.S. Government, to include the NCTC. Without such training, we run a serious risk of agents or analysts not recognizing particularly troubling signs of radicalization that might warrant further investigation. This training should also be reviewed by outside experts to ensure that it is not providing misguided information or views that could lead to the inappropriate targeting of individuals.

Although there were a wide variety of factors in the case of Ft. Hood (which were thoroughly documented in reports authored by former FBI Director Judge William Webster and the Senate Homeland Security and Government Affairs Committee), I believe the issue of recognizing radicalization was a factor. Without trying to isolate the failure to a single cause, had certain agents and analysts appreciated some tell-tale signs of radicalization it is at least more possible that more aggressive investigative steps would have been taken.

*Al-Qaeda-inspired internet voices are here to stay.*—The radicalizing influence of al-Qaeda-aligned internet voices continue to be a significant factor in homegrown terror plots. The FBI, DHS, NCTC, and others have done much to keep up with what has been a trend since at least 2004. But the rapidly-changing nature of technology, the ease with which plotters can adopt new methods of communicating, and a massive volume of data all make keeping up with homegrown extremists difficult.

The Boston Bombing investigation will, I hope, lead to greater consideration of how social media might help identify especially worrisome suspects. As has been widely reported, Tamerlan Tsarnaev posted videos on a YouTube channel in his true name—but of importance this occurred after the FBI threat assessment had already been closed. Although I do not believe there was anything remotely like a “smoking gun” in these videos, there may have been materials that indicated radical tendencies. Combined with information from Russian officials, it is at least possible that this would have interested investigators. But again, given that this open source material was only available after the Bureau closed its investigation, it is open to question if the FBI would have had any reason (or, potentially, authority) to monitor his internet activity.

*The shift from radicalization to mobilization remains a significant challenge.*—For homegrown terrorism, identifying individuals who are sympathetic to al-Qaeda’s views is challenging but feasible. More difficult, however, is predicting which of those who have been radicalized will actually mobilize and pursue violence. Moreover, detecting mobilization poses significant legal, policy, and practical challenges. Specifically, there is limited legal justification for disrupting individuals who have not yet moved to plotting. And it is impossible—and of questionable wisdom—to maintain surveillance of every individual that falls into this category.

The case of Carlos Bledsoe, the Little Rock, Arkansas shooter, is instructive in this regard. In Bledsoe’s case, there were clear indicators of his at least suspicious activity in Yemen and potential radical leadings. Bledsoe did not, however, rise to the level of requiring constant surveillance because it was not clear that he was pursuing violence upon his return to the United States. Without such constant—and resource-intensive—surveillance Bledsoe was tragically able to target an Army recruiting center.

*Information sharing within the U.S. Government must be maintained.*—Information sharing has been a mantra since 9/11, but the challenges we face today are not always the same as what we faced 12 years ago. That being said, pressures to roll back information sharing are ever-present and should be resisted while still adequately protecting civil liberties and privacy. As a general matter, sharing within the Executive branch is good, although the sharing of more raw, less-processed data with organizations like NCTC is important to finding previously-unknown connections. In addition, ensuring that relevant but not counterterrorism-specific information (e.g., travel data) within the counterterrorism community must be maintained.

The case of Ft. Hood represents an obvious low point in information sharing but in my view much has been done to address some of the core weaknesses. More specifically, in that case we saw a serious breakdown in sharing between FBI and the

Department of Defense, as well as sharing—due to legal and policy limitations—of certain Foreign Intelligence Surveillance Act (FISA)-obtained material with the NCTC. Both of these failings have since been addressed.

*FBI-led Joint Terrorism Task Forces (JTTF) are necessary and effective, but not sufficient.* In most cases, FBI-led JTTFs have performed exceedingly well. The JTTFs help ensure that all U.S. Government and relevant State and local investigative resources are leveraged in a focused manner. But the nature of JTTFs (using all of the U.S. Government's resources to include classified information from the intelligence community) means that information is not automatically shared outside the Task Force—although any Federal or local personnel detailed to the Task Force can seek supervisor permission to share information with non-Federal partners. This limitation means that State and local officials cannot always play as full a role in counterterrorism efforts as we might want.

Many would point to State and local fusion centers as the solution to this challenge, but this mistakes the role that these centers generally play. Fusion centers are critical for sharing general threat information, as well as fusing information from State and local authorities, but the centers do not serve as a locus for investigative information sharing. And it is this area where we continue to bear risk. In my view there would be serious value in ensuring the fusion centers, working with JTTFs as well as FBI Field Intelligence Groups (FIGs), serve a prominent role in combing through investigative information that the FBI and JTTFs cannot or will not pursue.

The Boston bombing is the most recent example of this challenge. It has been reported that the Boston and Cambridge Police Departments (as opposed to some officers from those departments on the JTTF) were unaware of reports of Tamerlan Tsarnaev's radicalization. This makes sense, as the report from Russian authorities would have been classified and thus at least initially confined to the JTTF. And once the FBI's threat assessment of Tsarnaev was legitimately closed, there would be even less reason—and possible policy prohibitions against—sharing the information with State and local authorities.

It is not the case, however, that State and local authorities are blind to many cases similar to Tsarnaev. In fact, the vast majority of unclassified Guardian leads (the type of lead in the Tsarnaev case) are already available to State and local authorities through Law Enforcement Online (LEO) and eGuardian. Thus we should ensure that fusion centers, local authorities, DHS, and FBI are working together to allocate effectively scarce resources to maximize our coverage of cases that do not rise to levels of apparent seriousness that will guarantee intensive JTTF focus. And the advantage to doing so is that State and local organizations operate with very different—and in some cases broader—authorities than their Federal counterparts.

Congress has an important role to play in such an arrangement by ensuring that law, policy, and resources enable rather than impede such information sharing. The advantage is obvious: Although the FBI cannot and should not maintain investigations of individuals who have been cleared of wrongdoing, local officials have very different legal authorities and resources and might—in certain cases—be better-positioned to continue coverage of individuals like Tsarnaev based on their well-established police powers. With appropriate oversight, fusion centers and their Federal counterparts can ensure the allocation of scarce operational resources are used as effectively as possible.

I would be remiss, however, if I did not flag some of the obstacles to this approach. Specifically, passing lead information to local authorities after an FBI investigation has been closed has real privacy and civil liberties consequences—and again may in some cases be in tension with the Privacy Act and other Federal statutes. In addition, the desire to share information more broadly must always confront the risk to intelligence sources and methods—an especially challenging case like that of Tsarnaev where information is from a foreign intelligence partner. Finally, in some cases even if information is passed local authorities will be ill-equipped to take meaningful action, thus also raising further privacy and civil liberty concerns.

#### CONCLUSION

We have had more than our share of successes in combatting terrorism—especially in the United States—over the past 12 years. That being said, we have not always been as successful as we would all hope for. We should continue to push for evolutionary change to our counterterrorism efforts. This requires truly cooperative work between the Executive and Legislative branches, as well as rigorous oversight from all three branches to ensure public faith and trust. Combatting terrorism in the homeland is challenging and simultaneously must be done meticulously as to not violate the Constitutional protections we all hold dear. I very much hope my

reflections can play a small role in assisting this committee in achieving our common goals.

Chairman MCCAUL. Thank you, Director Leiter.

The Chairman now recognizes Professor Hoffman for 5 minutes.

**STATEMENT OF BRUCE HOFFMAN, PROFESSOR AND DIRECTOR, CENTER FOR PEACE AND SECURITY STUDIES AND SECURITY, GEORGETOWN UNIVERSITY**

Mr. HOFFMAN. Chairman McCaul, Ranking Member Thompson, distinguished Members of the committee, my humble apologies for being so late, my apologies to your staffs and also to my fellow witnesses. Thank you for the opportunity to testify. It is a great honor to do so beside two such distinguished Americans as Mayor Giuliani and Mr. Leiter.

Today the core al-Qaeda organization is widely seen as on the verge of strategic collapse. However, even though al-Qaeda may be in decline, al-Qaeda isn't. The movement's ideology continues to resonate and attract new adherents. Al-Qaeda thus remains an appealing brand in North and West Africa as well as in the Levant. The movement also retains its visceral hatred of the United States and the West, along with the potential to inspire and motivate individuals to engage in deadly acts of homegrown terrorism, as we likely saw last April in Boston.

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

Throughout its history, the oxygen that al-Qaeda depends upon has ineluctably been its possession of or access to physical sanctuary and safe haven. In the turbulent wake of the Arab Spring and the political upheaval and instability that have followed, al-Qaeda has the potential to transform footholds established in the Levant and perhaps in the Sinai and in both North and West Africa into footholds, thus complementing its existing outposts in Pakistan, Afghanistan, Yemen, and Somalia. Hence, while Osama bin Laden's death inflicted a crushing blow on al-Qaeda, it is still not clear that it has necessarily been a fatal one.

Today al-Qaeda is arguably situated in more places than it was on September 11, 2001. It maintains a presence in some 14 different theaters of operation, compared to half as many as recently as 5 years ago. Although some of these operational environments are less amenable than others, such as in Southeast Asia, others have become sites of revival and resuscitation, such as in Iraq and North Africa, or of expansion, such as in Syria, Nigeria, Mali, Mauritania, and Niger.

Al-Qaeda has been able to achieve the unthinkable, radicalizing persons who are citizens of or residents in the United States and Canada and inspiring and motivating them to engage in terrorist acts, whether on their own, such as occurred at Fort Hood, Texas, in 2009, or at the direction and behest of al-Qaeda senior leadership, such as the plot to stage suicide bomb attacks on the New York City subway system in 2009 or the more recent plot in Can-

ada that was reportedly orchestrated by al-Qaeda commanders based in Iran.

The continuing challenge that the United States will face is that al-Qaeda's core ideology remains attractive both to hard core radicals and is also capable of drawing new adherents into its ranks. Even in death, Anwar al-Awlaki is still the movement's preeminent recruiting sergeant. Indeed, the latest recruits to this struggle are the Tsarnaev brothers, products of centuries-long conflict between Russia and Chechnya.

The violence inflicted on Muslims in general and Muslim women and children around the world has been cited by many other home-grown terrorists as a salient motivating factor in their politicization and radicalization. This may also explain why the American invasions of Iraq and Afghanistan were cited by Dzhokhar Tsarnaev as the reasons behind his and his older brother's bombing of the Boston Marathon.

There is no one path to radicalization. Individuals will always be attracted to violence in different ways. These radicalized persons come from every walk of life, from marginalized people working in menial jobs, some with long criminal records or histories of juvenile delinquency, to persons from solidly middle and upper middle class backgrounds, with a university and perhaps even graduate degrees.

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

At the start of the war on terrorism a dozen years ago, the enemy was clear and plainly in sight. It was a large terrorist organization situated mostly in one geographic location, and it was led by an identifiable leader. Today, when the borders between domestic and international terrorism have blurred, and our adversaries are not only identifiable terrorist organizations but enigmatic individuals, a complete rethinking of our counterterrorism policies and architecture is needed.

We built an effective defense against the previous threat. Our challenge today is to develop new defenses against this more amorphous, diffuse, and individualized threat while at the same time to continue to destroy and upend al-Qaeda, its affiliates and associates, and most especially, the ideology that fuels and sustains them. Thank you.

[The prepared statement of Mr. Hoffman follows:]

PREPARED STATEMENT OF BRUCE HOFFMAN

This testimony assesses the current state of the al-Qaeda terrorist movement and its likely future trajectory. It considers the prevailing assumptions about al-Qaeda and the threat that it poses; al-Qaeda's current capacity for violence; and, its ability to plan strategically and implement terrorist operations. In this respect, even though the core al-Qaeda group may be in decline, al-Qaeda-ism, the movement's ideology, continues to resonate and attract new adherents. Al-Qaeda thus remains an appealing brand in North and West Africa as well as in the Levant. The movement also retains its visceral hatred of the United States and the West along with

the potential to inspire and motivate individuals to engage in deadly acts of home-grown terrorism, as we saw last April in Boston.

Today, the Core al-Qaeda organization is widely seen as on the verge of strategic collapse. The evidence supporting these claims is compelling. Osama bin Laden, the co-founder and leader of al-Qaeda, is dead. The four-fold increase in targeted assassinations undertaken by the Obama administration has thus far killed some three dozen key al-Qaeda leaders, as well as nearly 250 of its fighters, thereby setting the core organization, in the words of a U.S. State Department analysis, “on a path of decline that will be difficult to reverse.”

Although one cannot deny the vast inroads made against Core al-Qaeda in recent years, the long-established nucleus of the al-Qaeda organization has proven itself to be as resilient as it is formidable. For more than a decade, it has withstood arguably the greatest international onslaught directed against a terrorist organization in history. Further, it has consistently shown itself capable of adapting and adjusting to even the most consequential countermeasures directed against it, having, despite all odds, survived for a quarter century.

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

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

Hence, while bin Laden’s death inflicted a crushing blow on al-Qaeda, it is still not clear that it has necessarily been a fatal one. He left behind a resilient movement that, though seriously weakened, has nonetheless been expanding and consolidating its control in new and far-flung locales.

Today, al-Qaeda is arguably situated in more places than it was on September 11, 2001. It maintains a presence in some 14 different theatres of operation—compared to half as many as recently as 5 years ago. Although some of these operational environments are less amenable than others—such as Southeast Asia—others have been the sites of revival and resuscitation—such as in Iraq and North Africa—or of expansion—such as in Syria, Nigeria, Mali, Mauritania, and Niger.

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

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

- preserve a compelling brand;
- project a message that still finds an audience and adherents in disparate parts of the globe, however modest that audience may perhaps be;
- replenish its ranks (including those of its key leaders); and,
- pursue a strategy that continues to inform both the movement’s and the core’s operations and activities, and that today is effectively championed by Ayman al-Zawahiri.

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

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

- Attriting and enervating America so that a weakened United States would be forced out of Muslim lands and therefore have neither the will nor the capability to intervene;
- Taking over and controlling territory, creating the physical sanctuaries and safe havens that are al-Qaeda's lifeblood; and
- Declaring "emirates" in these liberated lands that would be safe from U.S. and Western intervention because of our alleged collective enfeeblement.

Although it may be tempting to dismiss this as equal parts bravado and wishful thinking, as Johns Hopkins University Professor Mary Habeck has cogently observed, "No al-Qaeda affiliate or partner—including the Taliban, al-Qaeda in Iraq, or the Shabaab—has been deposed from power by an uprising of the local population alone. They have needed outside intervention in order to expel the insurgents, even when the people have hated al-Qaeda's often brutal rule." France's intervention in Mali earlier this year being the most recent example substantiating Professor Habeck's important point.

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

- a well-established sanctuary in Pakistan that it functions in without great hindrance and that it is poised to expand across the border into Afghanistan as the U.S. military and ISAF continue to withdraw from that country, until the complete drawdown set for 2014;
- a deeper bench than has often been posited (or at least has been shown to be deeper at various critical junctures in the past when the Core al-Qaeda's demise had been proclaimed);
- a defined and articulated strategy for the future that it is pursuing;
- a highly capable leader in al-Zawahiri who, over the past 2 years—despite predictions to the contrary—has been able not only to keep the movement alive, but also to expand its brand and forge new alliances (particularly in West African countries); and,
- a well-honed, long-established dexterity that enables it to be as opportunistic as it has been instrumental—that is, having the capability to identify and exploit whatever new opportunities for expansion and consolidation present themselves.

It is often said that, much like bin Laden's killing, the "Arab Spring" has sounded al-Qaeda's death knell. However, while the mostly non-violent, mass protests of the "Arab Spring" were successful in overturning hated despots and thus appeared to discredit al-Qaeda's longstanding message that only violence and jihad could achieve the same ends, in the more than 2 years since these dramatic developments commenced, evidence has repeatedly come to light of al-Qaeda's ability to take advantage of the instability and upheaval in some of these same countries to re-assert its relevance and attempt to reverse its decline.

Moreover, while the "Arab Spring" has transformed governance across North Africa and the Middle East, it has had little effect on the periphery of that geographic expanse. The continued antipathy in Pakistan toward the United States, coupled with the increasing activity of militant groups there—most of whom are already closely affiliated with Core al-Qaeda—has, for instance, largely undermined the progress achieved in recent years against terrorism in South Asia. Further, the effects of the "Arab Spring" in Yemen, for instance, have clearly benefitted AQAP at the expense of the chronically weak central government in that country. AQAP in fact has been able to expand its reach considerably, seizing and controlling more territory, gaining new adherents and supporters, and continuing to innovate tactically as it labors to extend its attack capabilities beyond the Arabian Peninsula. Although al-Shabaab has been weakened in Somalia as a result of its expulsion from the capital, Mogadishu, and the deaths of two key Core al-Qaeda commanders who had both been embedded in the group and had enhanced appreciably its terrorist capabilities, al-Shabaab nonetheless still maintains a stranglehold over the southern part of the country, where a terrible drought and famine threaten the lives of hundreds of thousands of people. Al-Shabaab has also expanded its ambit of operations beyond Somalia to Kenya where, over the past 2 years, a variety of civilian as well as governmental targets—including churches and foreign tourists—have been attacked in operations frequently employing suicide bombers.

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

Given these developments, several conclusions based on the preceding discussion may be posited that will likely affect Core al-Qaeda's future trajectory:

- First, al-Qaeda is still strongest at the geographical periphery of the dramatic events of the past 2 years in North Africa and the Middle East. Pakistan, Somalia, and Yemen, as noted above, still remain key al-Qaeda operational environments and sanctuaries and, in Yemen's case, rather than depriving al-Qaeda of political space, the "Arab Spring" has created new opportunities in that country for AQAP's expansion and consolidation of its recent gains. Core al-Qaeda demonstrably benefits from, and feeds off, these developments—thus promoting its longevity, at least for the foreseeable future.
- Second, the conflict in Syria—and the attendant opportunities it presents to al-Qaeda at a critical time in its history—has potentially breathed new life into the al-Qaeda brand and movement, exactly as Iraq did after 2003. Because of its effective intervention in Syria, al-Qaeda's prospects are today brighter than arguably at any other time in the past decade.
- Third, al-Qaeda's core demographic has always been disenfranchised, disillusioned, and marginalized youth. There is no evidence that the potential pool of young "hot heads" to which al-Qaeda's message has always been directed will necessarily dissipate or constrict in light of the "Arab Spring." Moreover, it may likely grow in the future as impatience over the slow pace of democratisation and economic reform takes hold and many who took to the streets find themselves excluded from or deprived of the political and economic benefits that the upheavals in their countries promised. The recent events in Egypt, of course, being the most glaring and parlous case in point. The losers and disenfranchised of the "Arab Spring" may thus provide a new reservoir of recruits for al-Qaeda in the near future—especially in those countries across North Africa and the Middle East with proportionally high populations below the age of 20.
- Fourth, the continued fragmentation of the jihadi movement as a result of bin Laden's killing and Core al-Qaeda's weakening may paradoxically present new and daunting challenges to both regional and Western intelligence and security services. The continual emergence of new, smaller, more dispersed terrorist entities with a more fluid membership that easily gravitates between and among groups that have little or no established modus operandi will raise difficulties in terms of identifying, tracking, anticipating, and predicting threats. The authorities in Northern Ireland, for instance, encountered precisely this problem in the aftermath of the 1998 "Good Friday" accords, when the threat from a single, monolithic entity, the Provisional Irish Republican Army (PIRA), devolved into the atomized threats presented by the smaller, less structured, more amorphous dissident Republican groups. A similar process has been noted by authorities in Indonesia following the collapse of Jemaah Islamiya, a close al-Qaeda ally, and its splintering into smaller, more numerous lashkars or militias that have proven difficult to identify and track.
- Fifth, the progeny of seminal jihadi leaders either killed or imprisoned over the past decade as a result of the war on terrorism may emerge as heirs to the movement bequeathed to them by their elders. For instance, until his death in 2009, Saad bin Laden, Osama's eldest son, was being groomed to succeed his father. The prospect of additional sons, nephews, cousins, and more distant relations of deceased or imprisoned jihadi leaders forming a new generation of fighters and filling leadership roles in Core al-Qaeda is unnerving: Not least because successive generations of the same terrorist organisations have shown themselves to be more lethally violent than their predecessors.
- Sixth, there is the problem of the "old made new": Former leaders or senior-level fighters who emerge from prison or exile to assume key positions of command of new or existing terrorist organisations, including Core al-Qaeda, and thus revitalize and reinvigorate flagging or dormant terrorist groups. This same development of course led to the formation of the AQAP in early 2009. Egyptian President Morsi's pardon of 16 leading jihadi prisoners from the al Gama'a Islamiyya and al Jihad's groups and the amnesties granted to hundreds of others have the potential to infuse existing local and regional organizations with greater militancy and violence. In addition, at least a dozen or more key Core al-Qaeda personnel are still sheltering in Iran, including Saif al-Adl. If allowed their freedom, they could easily strengthen the existing central leadership.
- Finally, the continued absence of a successful, major al-Qaeda attack in North America since 2001 may induce a period of quiet and calm that lulls us into a state of false complacency, lowering our guard and, in turn, provoking al-Qaeda or one of its allies to chance a dramatically spectacular attack in the United States.

None of the above is pre-ordained, much less certain. At least three scenarios are possible. In the first, the Core al-Qaeda organization continues to degenerate and eventually becomes a post-modern, desperate movement with a set of loose ideas and ideologies. This would be accompanied by the continued ascendance of affiliates and associated groups within a broad ideological and strategic framework bequeathed by the core organization.

A second scenario would see Core al-Qaeda's continued weakening which produces an even more fragmented jihadi movement. These smaller, less capable entities would continue to pose a terrorist threat, but a far weaker, more sporadic and perhaps less consequential one. However, as previously noted, they would likely be more difficult to track, identify, and counter.

A third scenario is dependent upon whether Syria re-vitalizes the al-Qaeda Core and attendant movement. The big question is whether al-Qaeda can avoid making the same mistakes that previously undermined its struggle in Iraq, for instance, and how successful Core al-Qaeda continues to be at balancing relations with its local and regional affiliated and associated groups.

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

Indeed, the latest recruits to this struggle are the Tsarnaev brothers—products of centuries-long conflict between Russia and Chechnya. The violence inflicted on Muslims in general and Muslim women and children around the world have been cited by many other homegrown terrorists as a salient motivating factor in their politicization and radicalization. This may also explain why the American invasions of Iraq and Afghanistan were cited by Dzhogar Tsarev as the reasons behind his and his older brother's bombing of the Boston Marathon.

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

Theological arguments in this context are invoked both by the organizations responsible for the attacks and by the communities from which the terrorists are recruited. In the case of Muslims, although the Quran forbids both suicide and the infliction of wanton violence, pronouncements have been made by radical Muslim clerics, and in some instances have been promulgated as fatwas (Islamic religious edicts), affirming the legitimacy of violence in defense of defenseless peoples and to resist the invasion of Muslim lands. Among the most prominent was the declaration by the Ayatollah Khomeini who once declared (in the context of the Shi'a interpretation of Islam) that he knew of no command "more binding to the Muslim than the command to sacrifice life and property to defend and bolster Islam." Radical Islamist terrorist movements have thus created a recruitment and support mechanism of compelling theological incentives that sustain their violent campaigns and seeks vengeance—despite America's withdrawal from Iraq and impending departure from Afghanistan.

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

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

Relationships formed at work, at school, on sports teams, and other recreational and religious activities as well as over the internet can prey upon the already sus-

ceptible. In some instances, first generation sons and daughters of immigrants embrace an interpretation of their religion and heritage that is more political, more extreme, and more austere—and thereby demands greater personal sacrifices—than that practiced by their parents.

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

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

Chairman MCCAUL. Thank you, Professor Hoffman.

The Chairman now recognizes himself for 5 minutes for questions.

Let me just state at the outset, it is the Constitutional responsibility of this committee to conduct oversight into these matters, to get to the truth, but also to find solutions. It is the intention of this Chair to issue a report of findings and recommendations to improve the system where there may be failures.

Mayor, I would like to ask you a couple of questions. First, let me say I agree with you that our inability to define the threat because of political correctness, I think, poses a danger to the safety of Americans.

With respect to Boston, you have worked extensively with JTTFs, you have a unique background to bring to the table here. You were high up in the Justice Department. Then you were U.S. attorney. Then as mayor of New York with the NYPD, you have seen all the Federal, State, and local assets that are at play here. After 9/11, the goal was to connect the dots, and the JTTFs have been the model of coordination and cooperation in terms of communication.

For the most part, I think, Director Leiter, as you point out, they have been very successful.

The ones I have worked with have been very successful. They are all in the same room. The walls have been taken down. They talk to each other. That is the way they are supposed to work.

In the case of Boston, it raised some concerns to me, and I wanted to echo a few points that you made as well. We had police commissioner Ed Davis come testify before this committee. He is currently testifying before the Senate as I speak. But his testimony was interesting, because when I asked him, did you know about the Russian warning, his answer was no. I said, did you know that the FBI had opened up a criminal investigation into Tamerlan? His answer was no. Did you know that he traveled overseas to Dagestan, which in the context of the Russian letter, that was what they warned us about, that he was going to travel overseas to meet with extremists and come back? The answer was no, in spite of the fact he has four Boston Police officers on the JTTF.

He didn't know about it and the Boston Police didn't know about it on the JTTF. To me, that is an issue. Then to make the bold as-

sersion that even if they knew about his foreign travel to a Jihadist part of the world, Chechen rebels fight alongside al-Qaeda. But to make the assertion that that wouldn't have made any difference because the case was closed raises a whole other set of issues for me.

When I talked to Ed Davis and we went up to Boston, Mr. Keating and I, he said the thing is, the hardest thing for me to say is I didn't know about it, I didn't know about it. He said, you know what, my guys know the streets. The FBI does their job and they do it well, but my guys know the streets. Mayor, as you pointed out, local law enforcement are the eyes and ears on the ground. You have 12,000 FBI agents as you pointed out, Nation-wide, and you have 800,000 police officers Nation-wide, 35,000 of those in New York, because New York has stood up.

So it seems to me they are a great force multiplier because here we are, 12 years after 9/11, and we still are not seeing that kind of coordination and communication taking place. When the FBI says we don't have the resources, why don't you leverage State and locals? They want to help, the Boston Police wanted to be a part of this, they wanted to be at the table. They wanted to be at that interview, they wanted to know about the Russian warning. There weren't that many leads, and there certainly weren't that many foreign threats coming in to the Boston area. So as a general question, mayor, 12 years later, what has gone wrong here and what can we do to fix this?

Mr. GIULIANI. Mr. Chairman, I don't know if what went wrong is systemic or just a thing that happened within that organization. I don't know if the information was communicated within the JTTF, so that one of the four Boston Police knew about this, and they didn't communicate it to their chief commissioner. Whether it wasn't communicated to police officers, it is hard to say. I don't know if this is an individual thing that went wrong, or it is some systemic thing that is going wrong. What I do know is that if you ask me what does the new strategy have to be to deal with this new threat of isolated, individual, smaller groups, the emphasis on State and local law enforcement becomes critical here, because we are talking about a large international group like al-Qaeda, and then the CIA, the NSA, the FBI, they are going to be the main actors in being able to find them, because they are operating internationally. But if you are saying to me, as we all, I think, agree, that our threat now are two young men living in Boston, or somebody living in Philadelphia, or someone living in New York or someone living in Las Vegas, they are not going to find them, you are only going to find them with the local police.

In my experience of, I don't know, 40 years of working with the FBI and local police and whatever. It seems to me the breakdown when it happens, and it happens less often now, the FBI shares a lot more than it ever did 20 years ago. The breakdown comes about if you really ask the FBI, they will say, we can't trust the local police. They might make a few exceptions, they might say we can trust New York, we can trust Boston, but can't trust the local police, they are going to leak the information, maybe inadvertently, because they are not as professional as we are.

Here is the reality. What the FBI should do is honestly confront that with the police department. Go to that police department and say, we can share information like this with Ray Kelly, we can share information like this with this department, that department, some other department, but we have concerns about yours and we want to work with you to train them so that we are confident that we can share information with them. Listen, even the FBI has occasionally had leaks, nobody can be holier-than-thou about this.

So there is an obligation here that if the FBI is uncomfortable sharing with local law enforcement, then the FBI has to take the initiative to confront local law enforcement and get local law enforcement in that particular area to straighten out whatever the inadequacy is, because we can no longer deal with this by not sharing information. We are going to miss other Bostons if the Federal Government doesn't engage local police department in a very, very big way. They are our only answer to finding these isolated, single individuals, small groups.

So I would say in my—I don't know if this is the case in Boston, I really am giving you my experience more than what happened in Boston. But whenever I have confronted the situation of, even when I was the mayor and my JTTF didn't get information I thought it should get, very often I got the, we are not sure about the reliability of this particular police officer, this particular unit. Well, then you come to me in advance and tell me you are not and let's straighten it out because it is really important that we share this information, at least that would be my recommendation.

Chairman MCCAUL. Thank you. Even at the Federal level, the Customs flag went up, we don't know if the FBI got the travel information on him, that is a whole another breakdown at the Federal level. But going back to the State and local, Director Leiter, you know, when he comes back, he has these radicalized YouTube websites, he has a mosque that he is radicalizing in, he is literally kicked out of a mosque. It seems to me, again, the Boston Police know the streets, they could have taken a second look at this individual. But that just didn't happen in this case. I understand hindsight is 20/20, but what are some of the prohibitions within the current JTTF structure that you would recommend improving? For instance, I know the four Boston Police officers can't even talk to their police chief.

Mr. LEITER. Mr. Chairman, first of all, let's remember in this case, it would not actually have been the Boston Police Department, it probably would have been the Cambridge Police Department which matters because Cambridge is a much smaller department, who knows I am sure the JTTF. But you are not always going to have a situation where a local police department is even represented on that JTTF. In terms of tough fiscal times now, that is becoming more and more the case.

To your question about what they can do, my understanding how the JTTF works, those Boston or Cambridge Police departments could have asked for permission to share that with their chief. I think—and that is so the JTTF knows where the information is going. I think that is probably a good protocol, my guess is all too often it means they don't ask at all, it doesn't get shared. I do think that on a more systemic basis as the mayor implied, we need

to make sure that every JTTF, when an investigation is concluded, that that information is effectively shared back with the host department, so the department can decide whether using its own police powers, it really should be concluded or whether or not they can do more where the FBI can't.

I have to add, you understand as an attorney, Mr. Chairman, that there are real civil liberties issues here and in this case with a bomber, and we say, well, they should have fed it to him, and we would have seen that he was being radicalized.

In many other instances, sharing information about someone who the FBI has investigated, they say nothing's wrong, and now we are going to start sharing and letting the local police keep a quite surveillance on them. This has implications and I think—

Chairman MCCAUL. I would agree to an extent, but this in case the Russian warning, the threat was fulfilled by the actions of the overseas travel, which I think takes it to whole other level, that it should have raised an additional level of scrutiny, so with that, I see my time is way over expired, Mr. Ranking Member. I will now recognize you for questions.

Mr. THOMPSON. Well, Mr. Leiter, finish your statement.

Mr. LEITER. Mr. Chairman, I don't disagree that the travel overseas is something that the FBI or anyone would want to know and would consider. It is my understanding they were notified, they didn't, for the agent, change his conclusion it should be closed, but my point is when we share this information, which I think needs to be done for all the reasons the mayor says, the FBI can't do this, local police have an understanding, this needs to be done in a systematic way so that the Boston Police, the Cambridge Police, the Massachusetts State Police can say these 100 cases the FBI is done with, do we care about them in some way and what should we do about them?

Then they also have to make the decision, is this okay, is this permissible under our local police authority the FBI doesn't have. That requires real oversight in Massachusetts, in Washington, and the like to make sure that is not being done in an inappropriate manner.

Mr. THOMPSON. Thank you. Mr. Chairman, this is an excellent panel. I think we picked up a lot of information. After we created DHS, after the unfortunate incident of 9/11, Congress also tried to legislate the culture of organizations by saying you must share information. We, told CIA you must start talking a little more to the FBI, and so we did it, but along the way, we ran up on something called "need to know" from an intelligence standpoint. Some of us say, well, what do you mean by "need to know"? Well, we decide what we need to share with the next organization.

Mayor, have you seen a lessening of that, or are we still kind of caught in that culture of telling people just what you want them to know rather than a full face sharing of intelligence in our—ask Mr. Leiter a similar kind of question.

Mr. GIULIANI. Mr. Thompson, this confuses me because this is a situation of just not "need to know," it is "need to get help." So it would seem to me that the FBI should have communicated with the local police, Boston, Cambridge, whatever, all of them to get help, not just to let them know. The FBI was presented with a sig-

nificant fact, the Russians identified this man as a suspected terrorist, that could either be valid information, the FBI might have thought the Russia is misleading us, but you needed help. So where are you going to go to get information about this? Russia wouldn't give you any more, the man lived in Boston, the man lived in Boston for quite some time. As a matter of help, you would go to the Boston Police and say, what do you know about him? That part is the part I don't understand.

The need to know part, I think that—I think due to the efforts of Congress, both Presidents, President Bush, President Obama, I think a lot has changed to the positive. That is why this is a more unusual circumstance. Twenty years ago this would have been the usual thing that happened, this is a more unusual circumstance now largely because the FBI is sharing much better now than it did before.

So I don't have the answer to and I think that is what your inquiry is about—I don't know why they didn't go to the local police, not only to warn them, but to ask for their help in, after all, kind of solving this puzzle, was Tsarnaev a terrorist, or was the Russians either wrong or misleading us trying to get us involved in the whole Beslan-Chechnya problem.

Mr. LEITER. Congressman Thompson, I think it is still problem, and at its nub, it is that people generally will share now, but they will generally share once they determine that something is relevant to a terrorism investigation that someone else might be able to help them on, and that is too late. The fact is you have to share volumes of information across the U.S. Government, for example, travel information from DHS needs to go to FBI and NCTC. It generally does, but there are often disputes about that because they say, well, it is just travel information, it is not counterterrorism information. The answer is you don't know if it was counterterrorism information until you have it, until you can compare it to other information and find connections between those dots.

So I think the committee's pressure needs to be on ensuring that people are sharing core information that they collect from the very start, even if there is no indication yet that it is relevant to an individual investigation.

Mr. THOMPSON. Dr. Hoffman, do you have some comments on that?

Mr. HOFFMAN. Well, certainly the fellow witnesses know far more about this than I do, but it seems that two things—one is that the main challenge is how we interject the radicalization process, and how you intervene before a crime is committed, and how do you identify this process of people embracing violence? I think the important point is that we shouldn't look at the Boston Marathon attacks as an aberration. I think this is probably going to be as the terrorist threat evolves, the next generation threat, and getting it right, I think, is going to be enormously important.

Mr. THOMPSON. Thank you. I yield back, Mr. Chairman.

Chairman MCCAUL. I thank the Ranking Member. The Chairman now recognizes the gentleman from New York, Mr. King.

Mr. KING. Thank you, Mr. Chairman. Let me thank you, commend you for holding this hearing, and a series of hearings on the Boston bombing, which I agree with Dr. Hoffman, this will be the

rule rather than exception as we go forward. Let me also, just for the record, state that as far as lone wolves that Abdulmutallab, the Christmas day bomber in 2009, was not a lone wolf, he was trained by AQAP, and sent out on a mission; and also Shahzad, the Times Square bomber, was trained by the TTP in Pakistan. So there was the incident of international nexus here with terrorism.

Let me thank all the witnesses for their testimony. Let me just say with Mayor Giuliani, Rudy, when I was listening to the introduction that the Chairman gave you and he mentioned you being elevated to knighthood by Queen Elizabeth, those days when we were taking the subways in Brooklyn and Manhattan, I never—of all the things you were going to be it was never a Knight of the British Empire, but congratulations.

Mr. GIULIANI. I haven't told anyone in Brooklyn that—I try to keep it a secret, and the Chairman outed me.

Mr. KING. Yeah, there you go. Thank you, Mike, for bringing that up.

If we could focus on what happened here in Boston, actually, there are more facts Mr. Chairman has gotten into, and I would like to get into also. The fact is the Boston Police they have four detectives with Top Secret clearance on the JTTF, they were never—even the four JTTF people with Top Secret clearance were never told about the letter from Russia, they knew nothing about it. The commissioner knew nothing about it.

The commissioner then went back and from the 7 years he was commissioner, went back and found out that during those 7 years his police officers, his detectives had never been given any Top Secret information by the FBI, this was kept from them. Now I know it is different in New York, it is different in Nassau County and Suffolk County, but I was struck by this.

Also, you add to that that when the younger brother was in the hospital being interrogated, he said that they had been on their way to Times Square to carry out a bombing in Times Square, and the FBI never told the NYPD about that. It was 4 days later when Commissioner Kelly found out about this from somebody else that this threat had been made against New York. The FBI's excuse was, well, he was in the hospital, he could couldn't have carried out the bombing.

At that stage no one knew who else was involved in this plot. At the very least, the FBI should have done is contacted the NYPD and said they have been on their way to carry out an attack in Times Square.

So I think the FBI has a lot to explain for here and I am not trying to be a Monday morning quarterback, but the fact that they are not here, Mr. Chairman, they have stonewalled us completely since the Boston bombing, I think it is unacceptable. We talked about information sharing, we were insisting on information sharing among all levels of government and with different agencies. The fact that the FBI is not sharing information with this committee which has jurisdiction over Homeland Security, I think is just totally unacceptable. I think we should stand together really on both sides of the aisle and really insist that the FBI be much more accountable to us. But I think this is a leading question, but specifically to Director Leiter and Mayor Giuliani, do you think

JTTFs can function effectively if Top Secret information is not transmitted to them by the FBI?

For instance, with the older brother, when the FBI was notified by the Russians apparently under Attorney General guidelines, they were not allowed to go to the mosque to see if he had been radicalized, they were not allowed to talk to his Imam to see if he had been radicalized. Well, the fact is if they had gone to the Boston Police, as I am sure all of you know, the police have so many informants on the streets, they have so many people on the streets who knows things, if they could have just gone to them and said do you know anything about him?

Also that would have been out there so that when he was thrown out of the mosque a year later, in January 2012 he was put out of the mosque, 2013, 2012, he was actually ejected from the mosque for radical behavior, that would have been known. The police could have brought that to the FBI's attention. The FBI doesn't have street informants, they don't have people working on the streets like this.

So again, I don't mean it as a leading question but without that sharing of information such vital issue as this between the FBI and the police can the JTTF work effectively?

Mr. GIULIANI. The whole purpose of the JTTF is so that you can share information. So any police officer on the JTTF should be cleared for getting classified information, it is a perfect opportunity to do that, it is a perfect opportunity to clean up the problem that I mentioned earlier where the FBI—if you go back to the earlier era of law enforcement, the FBI was probably correct in many cases, but you couldn't share information with some local police department because they were unprofessional, they were corrupt, they weren't going to handle the information correctly.

That is largely not true today, I mean, there are probably some exceptions to that. But what the FBI should do is make certain that it has the ability to communicate with the local police. If that means going to the local police commissioner and saying, you know, you have got to tighten up your department, you have got to solve these problems so we can share with you, then I think the FBI should do that. Particularly since the new threat that we are facing is a threat where we are going to be looking for people in America's communities and America's neighborhoods, in America's homes, the FBI can't possibly do that.

The thing that confounds me about this, which is, as I said before, it is not so much their failure to warn, but their failure to ask for help, which in this case they needed.

Mr. LEITER. Congressman, I think the mayor is exactly right, if you are on the Joint Terrorism Task Force, you have a clearance and should have access to this information. Now in this case, the question would still be what do those police officers do in working with their home departments after the FBI goes out and interviews Tsarnaev and says, he is not a threat? Let's just assume that that is a reasonable conclusion of time, how can Boston Police, how can Massachusetts State Police, how can Cambridge Police pick up what the FBI no longer can cover?

Now I will say, I don't mean to be an FBI apologist here, my understanding is the FBI, not in its law enforcement role, but actu-

ally had visited that mosque and had engaged with that mosque in the past on a community engagement front, which I think is a very important role for FBI but others as well, to hopefully get reports about people like Tsarnaev. Now that didn't happen here, but we have to continue to encourage the FBI, DHS, and State and local authorities to engage with mosques in the same way that they engage with all community organizations.

Mr. KING. I will just state, that the FBI never told anyone on the JTTF, any police officers on the JTTF about the Russian inquiry. Also they did not question anyone in the mosque about the older brother. Also afterwards, even when the brothers' pictures were on television all over the world, nobody from the mosque came forward to identify them.

I know, just one 10-second remark, I fully agreed with what the Chairman said and Mayor Giuliani said about the Fort Hood massacre, it was ridiculous to call that workplace violence. The Chairman and I worked to get Purple Hearts for those killed at Fort Hood, because I think they are casualties and definitely casualties in an international war. I yield back.

Chairman McCAUL. I thank the gentleman for his questioning. The Chairman now recognizes the gentlelady from the great State of Texas, Ms. Sheila Jackson Lee.

Ms. JACKSON LEE. Chairman, thank you very much. I want to thank you and the Ranking Member for your cooperation and commitment to the security of this Nation. I am reminded of my premise for serving on this committee, Mayor, since the heinous tragedy of 9/11. Those of us who were in the United States Congress had the humble but awesome challenge of coming to view the aftermath. As you well know, many Members of Congress came to Ground Zero sobering, emotional experience, many of us early enough to see the remnants of recovery. It is a scene that will never be forgotten by those of us who serve, but more importantly, the American people.

My inquiry of the Chairman on the issue of security to the witnesses and recognition of civil liberties is that I am always reminded of those words that were said in the aftermath that we would not allow ourselves to be terrorized, and we would not allow ourselves to deny our citizens their civil liberties and civil rights. I maintain that as a dual responsibility of this committee, and I am glad to see witnesses acknowledge the importance of that.

Let me, as I thank the mayor and all the witnesses for their service, just make an inquiry of a line of questioning that I am glad—the mayor indicated that both President Obama and President Bush both said that our challenge is to be successful 100 percent of the time, for if that is not the case, we are obviously vulnerable. I am curious and interested in your line of reasoning about leadership from the top. Certainly, we know, among other things, our Presidents speak around the world, they interface with Mideast leaders; President Obama, of course, spoke in Cairo and it all was under the premise of making the Nation more secure.

I hope, Mayor Giuliani, you are not suggesting that those kinds of outreach would intimidate our law enforcement officers because I want to do everything I can to let them know as a Member of Congress that believes in engagement, I am, however, not sug-

gesting that my behavior of engagement is to instruct them not to do as you have just laid out for us, I am just trying to clarify the record.

Mr. GIULIANI. What I was saying is it does not relate to the statements that the President makes internationally or his engagement against terrorism or his desire to try to work things out with some of these countries. I was really being more specific about Major Hasan, because I think it is exceedingly damaging to engage in this fiction that the attack at Fort Hood was workplace violence. I think—I know many, many law enforcement officers, New York City police officers, FBI agents, other agencies, and there is a certain reluctance to describe someone as a Islamic extremist terrorist, for fear that you are going to make a mistake. If you make a mistake, the consequences are going to be very, very heavy. I don't know that that played a role in Boston, I am not sure of that. I am not sure we will ever know that. But it certainly played a role in the case of Major Hasan, it was so obvious that this man was a possible terrorist.

Now some of this goes back, to be fair, to before President Obama. Hasan was being evaluated in the military, also during the Bush administration, where there was a similar kind of reluctance. I think it would be very—I think it would be very helpful and very healthy if the Hasan situation were described correctly. I think it would leave us with law enforcement officers and intelligence agents having a correct sense of that because it is very, very difficult, but we want them to err on the side of protecting us from bombings, not protecting us from possibly making a few mistakes about how you classify people.

Ms. JACKSON LEE. Thank you very, very much. I ask the Chairman's indulgence, I want to raise two questions and I see my clock is ticking, but I think that was an important clarification. I would indicate to you, Mayor, that many civilians were impacted at Fort Hood, and I champion the cause that it was in no way workplace violence, it was after the fact noted, and those officers who were the supervisors of Major Hasan should have detected the erratic behavior. I call that connecting the dots and I argue vigorously that we have to improve our connecting the dots. If we have an aftermath of assessing what happened with that major, then we need to indicate that that the dots were not connected. There were so many lives still impacted at Fort Hood.

Let me go to the other two witnesses. I want you to expand on one as the mayor has indicated, what we can do to law enforcement to let them know that connecting the dots is not going to drive an attack on their determination if they fairly connect the dots on individuals who have erratic behavior that suggests that they are self-radicalized or that they are terrorists. If you could talk about that in terms of the fusion center and how we spent our money.

If I could get a question into Mr. Hoffman just to indicate what are we doing right or wrong with a review of our own self-appointed, anointed terrorist in the United States? Where are we missing the boat on that?

Mr. LEITER. Congresswoman, I do want to make one note which is the day after the Foot Hood attack, the National Counter Ter-

rorism Center entered the attack at Fort Hood in the worldwide incident terrorist database.

Ms. JACKSON LEE. That was—

Mr. LEITER. The day after. I am not disagreeing. I think certainly some of the Army reviews were driven by political correctness or failure to report back. But the NCTC called it terrorism the day after the attack.

To your question of how we are spending our money and improve the ability to detect this. We have spent a lot of money on State and local fusion centers. In my view, we have not always done it smartly. We have to make sure the State and local fusion centers are: (A) Trained. We don't have people who actually recognize radicalization. We saw that in Fort Hood. We had agents and task force officers who were looking at the behavior and didn't recognize radicalization in the same way that honestly people who studied radicalization would at a place like NCTC or FBI headquarters.

So we have got to improve that training. That applies not just to State and local fusion centers, but to FBI officers themselves, and we have to give them good training so they are not afraid of being political or forced to be politically correct.

Second, we have to tie the fusion centers and the JTTF closer together. We have largely created them as independent enemies, the best place is they are collocated and they talk to each other. But to me, the State and local fusion centers play two roles: First, they take the pieces that the FBI investigators need help on and they help parse that out to the State and local communities for follow-up investigation.

Second, they take those pieces that are coming up from the State and local officials when they see things and say that is a little funny, and then they coordinate with the JTTF to figure out who will investigate that information that is bubbling up.

Honestly in my experience, State and local fusion centers are not doing enough of that. They are looking at screens and they are waiting for a big event, they have to be more involved in the investigative work up front to allocate scarce resources.

Ms. JACKSON LEE. Mr. Hoffman.

Mr. HOFFMAN. Well, I think Mr. Leiter was quite correct when he began his testimony to point out the series of successes, and certainly our counterterrorism capabilities have evolved in recent years. What I see is this constant problem and what slips through the net is the counter radicalization process, or interdicting radicalization, and this goes back to the Somali Americans in Minnesota in 2008, 2009, where actually 30 of them were actually radicalized and recruited and sent to Somalia, and see occurring again with the Tsarnaevs.

I think two dimensions is the problem: One is as the two distinguished witnesses have said, tightening up the Federal, State, and local law enforcement nexus. I think this is critical, because in almost all these cases, what you find is these individuals navigating between jurisdictions. The case of Najibullah Zazi, for example, he relocated from New York City to Aurora, Colorado, then drove cross-country back to New York. In the case of Faisal Shahzad, of course, he lived in suburban Connecticut and then crossed into New York.

The Tsarnaevs, as Mayor Giuliani says, were actually based on suburbs and came to Cambridge. So that is one dimension is tightening that up. I think the other one, and perhaps my colleagues can comment on it. They certainly probably know more than I do. But what has always eluded me is who is responsible for counter radicalization in the United States today? I mean, we are talking about the phenomena where a crime hasn't yet been committed. Now certainly it receives high-level direction from the White House and from the National Security Council, of that there is no doubt. Certainly it was a priority, especially under Mr. Leiter's tenure at the NCTC. But then beyond those two more coordinating functions and policy functions, who in the Federal Government is responsible for it? Is it the Department of Homeland Security? Is it the FBI? Well, a crime really hasn't been committed.

This is why I think it is so important to enlist local police forces as we have heard because at least they have the access and the knowledge of the street that can at least facilitate the identification of the radicalization process, but there has to be, I think, some direction or some Federal agency that actually takes ownership of this.

Mr. KING [presiding]. The time of the gentlelady has expired. Chairman McCaul has had to leave temporarily to go to a Science and Technology Committee markup; he will be back shortly.

Ms. JACKSON LEE. Let me thank you, Mr. Chairman, for the time, I thank you, I yield back.

Mr. KING. I thank the gentlelady. It brings back memories of when I was Chairman and the gentlelady was always extremely eloquent, sometimes overly eloquent. In any event, with that, I recognize the subcommittee's Chairwoman, Mrs. Miller.

Ms. JACKSON LEE. It is good to be back.

Mrs. MILLER. Thank you, Mr. Chairman, and I want to thank all the witness for being here. I appreciate your services very much. All of us do to the country and what you have done. Specially to the mayor, I would like—I didn't know you at 9/11, I was still at Michigan Secretary of State that day, had an election in Detroit as you were in New York, but I remember, as we all do, where we were that day, what happened that day, what happened afterwards, and I think that is where you picked up what I think is the greatest title, and that is America's mayor, because you were—

Mr. GIULIANI. Thank you.

Mrs. MILLER. You were more than the President, more than the Governor, more than the FBI Director, more than the CIA, more than the Department of Defense. Everyone seemed to look to you for what had happened, why it had happened. What was the path forward? What would America think about from that day forward? I guess my question, Mr. Mayor, wants to go a bit, how do the American people perceive this war on terror? How do we actually prosecute these enemy combatants, these terrorists? Because obviously, we do face a new type of enemy. It is not like the battlefields that are clearly drawn, everyone has—each side has their colored uniforms on and you are able to very quickly identify who the enemy is. You spoke about identifying the enemy and how important that is for us. But now you have got a new type of enemy that

sees the battlefield asymmetrically really, whether it was the finish line at the Boston Marathon, they saw that as the battlefield.

I want to, I guess, talk about one that is very personal obviously the Christmas day bomber in 2009 over the skies of Detroit. That terrorist, enemy combatant, in my mind, saw the battlefield that particular day as seat 19A and at that time, that Northwest flight. You know, what happened then, and we learned some lessons from that as we always do. I mean, the plane actually taxied up to the gateway rather than it should have been held out on the tarmac really. But we learned from that.

Then they arrest him, take him off to the University of Michigan Burn Center where he received the very best treatment known to mankind, immediately lawyered up, very quickly lawyered up, Mirandized, lawyered up. So I am certain we lost kinds of valuable information at that time with that particular terrorist. Then he was, of course, tried in Detroit at huge expense to the taxpayers, an enormous amount of security that was necessary there, et cetera.

I guess my question is, and I said actually that day, this guy is an enemy combatant, should not be Mirandized, should not be treated; this is not a law enforcement situation going on. I guess my question really is: How do you think we should be treating these individuals? Now he is serving a life term, that is fine, but what about all the information we lost by not turning him over to a military tribunal or what have you? I am just questioning as we look at these individuals and how this administration, the Department of Justice is proceeding, whether that is the right path forward in an effort to really put into the American psyche, we are in a war with these individuals, it is not just some law enforcement thing.

Mr. GIULIANI. I think it is a very, very good point that the reality is that we keep referring to these individuals as isolated acts, single individuals, that is true, they are isolated, single individuals, but they are also connected, it is not as if these are completely independent of each other, they are connected by exactly the same motivation, exactly the same causative factors, they are driven by the same ideology. If you recognize that, it makes it easier to catch them, it makes it easier to find the clues and the things that would lead to who they are and why they are doing what they are doing.

I also—I certainly in both cases, the Detroit case and the Boston case, if it were my decision, I would have treated them both as enemy combatants for the purpose question of questioning endlessly. The fact is particularly with Boston, you had more than enough evidence to convict the younger Tsarnaev brother. If you needed more evidence than that, I never would have hired you as an assistant U.S. attorney. If you needed more evidence than they already had by the time they caught them, well then, you shouldn't prosecute a case.

There was no reason, we didn't need his statement as a properly admitted confession or admission. What we needed was an endless amount of information from him. So it would have been, I think, a much wiser thing to declare him an enemy combatant at least for 3 or 4 or 5 weeks and question him when he got better, question him for as long as you have to question him to get every bit of in-

formation out of him. Same thing is true in Detroit. We also should recognize about the Detroit situation, that seems to me we only prevented that by a luck, nobody should be taking credit for “gee, what a great job we did in preventing that bombing”; he just was incompetent and we can’t count on that.

I always have found in my life that I learn a lot more from when I lose and fail than when I succeed. Therefore I think you shouldn’t feel any kind of guilt about going back and examining these situations where we fail with excruciating analysis, because that is the only way we will prevent these things in the future. Our goal, our goal is a very difficult one here, to protect lives, we have to be right 100 percent of the time. So maybe we can’t reach that standard, but the more analysis we do of these incidents after they happen, the more we are going to learn so that we fix it in the future. Why we would ever want to deprive ourselves of information I can’t figure out. I mean, there was no tactical reason to give either one of these people Miranda warnings. In either case you would be able to prosecute and convict because you had enough evidence to do it. You certainly have more than enough basis to describe them as part of an international conspiracy against us. One they voluntarily joined, one they voluntarily joined on their own when they decided to undertake these acts.

Many of them announced to us their motivation when they commit crimes like Major Hasan did, we are not talking about the bombing in London that took place just a short time after Boston, that bomber went on television to tell us in case we didn’t get it right, that he was doing this in the name of Allah.

So we get an idea that he joined the same conspiracy. So you certainly have enough basis to describe them as enemy combatants. When you have enough evidence to convict, it seems to me you should subject them to long periods of questioning so you can be sure that you get everything out of them that is useful to us in the future. Then you can move on and prosecute them in a military court or you can send them back to a civilian court and prosecute them there after you have gotten out of them everything you can get out of them.

Mrs. MILLER. Thank you very much; my time has expired. Thank you, Mr. Chairman.

Mr. KING. The gentlelady yields back. The gentleman from Massachusetts who has a great personal involvement in this matter, Mr. Keating.

Mr. KEATING. Thank you, Mr. Chairman. Mr. Chairman, it was mentioned by the Chairman that there is a judicial proceeding in Massachusetts going on today with Dzhokhar Tsarnaev, but there is another proceeding going on with the trial of another proceeding trial of James Whitey Bulger, and both of those trials have a common thread of what happens when information is not shared among law enforcement officers and how they can butt heads and actually hurt the effort. That is what this committee’s responsibility is, that is what my responsibility is as Congressman is to do an oversight function, not a blame function. Find out what went wrong so that we can save future lives, and I think we can.

Now my involvement in this took me to Russia. First I sent a staff person to Russia, and then followed up personally where I met

with the deputy director of the FSB, and I met with the director of counterterrorism. While I was in Russia upon my questioning, first questioning why they didn't respond to the FBI's three requests for extra information and having those top officials say they didn't know anything about the request, never heard about it. They said to me, get me the names of the people that the request was made to under them and get me the date of when that was sent. So there is a gap even there, they wanted to get an answer to that.

Now in my questioning them, they began to refer to a piece of paper, and finally I asked for the piece of paper. They said it was a March 4, 2011 correspondence they sent to the FBI and the CIA, and I asked them for a copy, and they said: Well, can't you get one from your own people? I asked them for theirs, I kept prodding because I wasn't sure, frankly, if I can get one, I still don't. This committee has requested that and still doesn't have a copy of that, as a matter of fact. But they read to me that document of March 4, 2011, and it was amazing in its detail, dealing with Tamerlan Tsarnaev, and that is what prompted the interview by the FBI, Joint Terrorism Task Force shortly thereafter.

Now Tamerlan Tsarnaev, was put into the TIDE and TECS database shortly thereafter, I think about a 3-month period, from what I could gather, that file was closed, case closed. Now 9 months later after that date of that letter, Tamerlan Tsarnaev is in Russia. We had reports that our office was able to get that he was meeting with a known terrorist insurgent Mahmud Nidal, someone already on their radar screen in Russia, had they known this. Yet there was another gap where that could have been closed.

Now he came back to the United States, after the person he met with reportedly was killed and the other person was known to him was killed, so he sort of went home I think. So when he came home he applied for citizenship and his FBI background check that went into that is my understanding.

Now he is already on those databases. In the course of doing that, they proved it was background check to go ahead and pursue legal citizenship, and it wasn't picked up then. Why if they are on the database and you are going through that, why wasn't that picked up as well? Department of Homeland Security, we asked them, we said despite being on those databases, why was he able to pass the FBI background check at least receive the citizenship interview. DHS, Department of Health and Human Services says, yes, they communicated that to the FBI, but the case was closed.

Part of our oversight has to deal with case closed process, because something is wrong. The answer that we keep getting back is well, it wouldn't have mattered anyway because the case was closed. His activities didn't stop. We have to find a way, I am suggesting this as a question to anyone. We have to find a way to get through this bureaucracy where case closed stopped everything, and in fact, became an excuse for why other things weren't done with different agencies in the U.S. Government, what can we do about this? We have to—our obligation is oversight, our obligation is the to look at the process, and there are obviously things that were wrong. Help us, if you could, with your expertise, how can we crack through some of these things so we don't have a future case closed roadblock? It just stops everything from happening.

Mr. LEITER. Congressman, I think your basic observation is exactly right. Let's assume, again, that the FBI did everything right up to the moment of closing the case, that there was nothing sufficiently suspicious, they interviewed him, case closed. His life still goes on, he continues to evolve. So we have got to have a system for both the State and local and for the FBI and for Homeland Security, that that information is getting added back into that closed case so people go back and say, should it still be closed or should we reopen it? If that is not happening, and in some cases not, that is bad. But I am going to turn it around a little bit which is, you then also have to tell the FBI and State and locals, how long should they keep going back and looking at these people?

Now let's take it out of the violent Islamic extremist terrorists, and let's put it in the domestic terrorism case, somebody gets a tip that their neighbor in Texas is stockpiling guns, and the FBI goes and interviews them and says, "Are you kidding me, I am not violent, I just like shooting guns," and they close the case. How long should the FBI go back and look at that case? How long should the State and locals look at that case wondering about that person and still in some way or another, keep them under suspicion?

Mr. KEATING. Let me ask you one question, how common is it in a country like Russia would get that specific, I know you never read it, we haven't read it, that specific kind of information to a country? If that is the case, wouldn't you go back to that country? Part of that, by the way, as I recall was a reference to the fact he might change his name slightly in trying to come back, which, in fact, either was a scrivener's error or something happened and has been reported, not personal information, that his name was slightly altered too.

Mr. LEITER. It is not common but I have great sympathy for an organization when they go back to an intelligence agency and get stiff-armed three times in a row.

Mr. KEATING. I don't know if that is the case, that is my point.

Mr. LEITER. I think it is relatively common, but again, whether it is this case or another case, there will be cases that the FBI closes. How do we spread that responsibility, share that with the State and locals so other resources can keep an eye on it and how long? Right now, the fusion centers frankly aren't doing a great job of picking that up because we haven't driven them to do that. The JTTF rules make it difficult, not impossible, but difficult for that information to be shared so the Mayor of New York, or Ray Kelly or Ed Davis or the Cambridge police chief can decide, you know what, this is worth my time and energy even if it is not worth the FBI. We don't want the FBI making that decision, we want the State and local authorities making that decision because they know if they want to guard against that or robberies or anything else.

So you have got to make sure that information is shared systematically with oversight, and then put that burden on the State and locals in the fusion center and to do with it what they want and make sure that that information is being refreshed.

Mr. KEATING. This clearly should have come up even with trying to get the citizenship again. That was after he returned from Dagestan, so something should have still been in the system internally. We are not talking about someone's civil rights, we are talking

about something internally in the system that would have red flagged that.

Again, I don't think there were any clear answers. That will be our job here to do these things. When we talk about information sharing, I just want to give this one comment: Part of the information sharing better be with the Member of Congress as well. We are not getting that information to conduct our proper oversight, and I am glad to hear the Chairman say we are not going to stop until we get it. I yield back.

Chairman McCAUL [presiding]. I thank the gentleman and really apologize to the witnesses. I got called for a vote for NASA reauthorization, I had to go over there.

Director Leiter, it would be interesting for you to give recommendations on the fusion centers, as you mentioned, I think they have on a role here. I don't think they are doing in—in Texas, the fusion center works really well, but not other places in the country and that would be helpful.

Mr. LEITER. Mr. Chairman.

Chairman McCAUL. Yes.

Mr. LEITER. I don't mean to put all the blame on the fusion centers either. This has to be a relationship between the FBI and the fusion center. The FBI has to provide the information to the fusion center so they can do this and then support the State and local authorities in that follow-on operation or mission.

Chairman McCAUL. Thank you. So, Mr. Keating, I think we heard repeatedly in Boston "case closed". With that, I recognize Mr. Meehan from Pennsylvania.

Mr. MEEHAN. Thank you, Mr. Chairman and thanks again to this very, very distinguished panel. I want to follow up a little bit on my good friend, Mr. Keating's inquiries, and it goes to the degree to which there is an ability to pursue investigations, at what point in time do you discontinue an investigation? Mayor, it has been a while since I guess you have blown off your old U.S. attorneys' manual.

Mr. GIULIANI. I don't know if they had manuals in my day.

Mr. MEEHAN. You might have been freer to act and that is part of the issue. Mr. Leiter, as a former prosecutor, and I know you work very, very closely in your prior capacity with the rules, and to some extent, the constraints. We have Senator Lieberman before us who spent a great deal of time looking at these issues as well. In the aftermath of Boston, one of things he was concerned about were Attorneys General's guidelines which may, in and of themselves, allow even the agents themselves to ask questions to a certain point and then, you know, political correctness, you only ask so long which would never happen in a murder investigation.

Those were the days when we used to look traditionally at crimes that were committed and we ask questions until we have a resolution. Now the dynamic has changed, we are being asked to investigate matters before a crime commits. So there is some tension about how deeply you go. Do we need to revisit guidelines? Do we need to be more aggressive at pursuing these and where is the right place for us to keep cases in some kind of status in which new information, particularly you have touched on it, the issue of infor-

mation that comes over the internet becomes the kind of a thing that allows to us reopen the inquiry?

Mr. LEITER. Congressman, I think you absolutely nailed it. I do think this is exactly where the mayor is right, that political correctness comes in to being, becomes an issue. You have one overarching issue, Congress passes a law, maybe it is the Privacy Act, maybe it is the FISA Act or whatever it may be, and the Attorney General has got guidelines. Usually they push the bar down a little farther. Then you have the FBI create their domestic intelligence operations guidelines, and they make everybody a bit more nervous. You wanted to let them to do this and suddenly they are doing a lot less internally.

So what I think the role Congress has to play is make sure the Attorney General guidelines and the FBI internal regulations about what they can do are really consistent and aren't being risk-averse in asking those questions.

Now as you yourself noted, these sorts of investigations are different for a bank robber, they are different because there hasn't been a crime yet, and they are also different because they implicate the First Amendment. The free expression of religion in some cases in a way that the normal bank robbery doesn't, so it is a riskier area. But you have to make sure you have got good alignment between how people are operating in the Federal Government in the fusion centers and the JTTFs, so it is consistent with the maximum authority you have given them under the law.

There is a last piece here, Congressman, which is after they do that, that you need to give them top cover, because I have sat in this chair when I was an official in the U.S. Government, and I was getting yelled at by people in your seats about "how dare you watchlist my constituents, my constituent never did anything," and every time TSA stops them at the airport. Three months later after the Christmas day bombing the very same people, not suggesting Members of this committee, were saying "how dare you, Mr. Leiter, why aren't there more people on the no-fly list, everyone should be on the no-fly list."

So you have set that bar, make sure the Executive branch is honoring that bar to its fullest and be honest after the fact that people in the Executive branch are doing really hard jobs, did it with your blessing as long as they are doing what you're explicit about allowing them to do.

Mr. MEEHAN. I think you are right, and obviously those were Members of a prior Congress that you are talking about. But the NSA issue is a perfect example of how it has had a tremendously chilling effect on the ability of us to pursue where we need to go as a Nation in terms of protecting the homeland, but maybe it is an appropriate time to be asking those questions as well as for another forum. But Mr. Mayor, do you have any thoughts on the comments that Mr. Leiter made?

Mr. GIULIANI. I think Mr. Leiter is absolutely right. I think that the reality is that these are just natural concerns that people who are doing high-risk investigations have. The atmosphere you create for them, means they are going to go further or they are going to back off. If they think they will be criticized if they make a mistake, unduly criticized, they are going to back off quickly. If they

think they are going to be supported if they make a mistake, then they are going to go further.

There is a second issue that I think, when I was listening to Mr. Keating's question also comes up, I don't know that this is just a matter of political correctness or a fear, I also think it is a matter of resources. The FBI, as I pointed out earlier, is only 12-, 13,000 agents. That is a very small law enforcement agency. New York City Police Department, 35,000 police officers. When I was the mayor, it was 41,000 police officers. Eight hundred thousand police officers Nation-wide. In a 12,000-person organization, you have to have some degree of discipline and an economy about what you can investigate. You can't investigate everything. Even things that should be investigated, you can't investigate, you don't have the resources to do it.

So I think the suggestion which either came from Mr. Keating or Mr. Leiter or both, that one of your recommendations should be that if the FBI doesn't want to pursue it, and if they can be honest about it because they just don't have the resources to do it, which they don't, then they should turn it over to Philadelphia Police, or Boston Police, or the New York Police, or the Chicago Police, to further investigate. Then they can make the decision with a larger resource pool available. Is this something worth pursuing or isn't it?

I would think in this situation, at least we know enough about it that this would have been something that if you had more resources, this is something you would have kept after, particularly, I find his going back to Russia, a startling event, particularly since he sought asylum in the United States. I dealt with thousands of asylum cases when I was associate Attorney General because it was during the Mariel Boatlift and Haitian migration.

You get asylum in the United States if you prove that there is a valid fear of persecution if you go back to your homeland. So he proved to our satisfaction, his family did, that he would be persecuted if he went back to Russia. All of a sudden he gets up and he goes back to Russia after the Russians told us he was a suspected terrorist. My goodness. I mean, alarm bells should have gone off when that happened, something strange is going on here that this guy is going back to the country from which he was persecuted, would seem to me you would put him back on the list and you would watch him more carefully. So there was plenty here.

If the FBI had come to the conclusion, we have done the best we can, we don't have the resources to go any further, then you have got this very large local law enforcement agency, give them the chance at least to go forward. Something should be built in, whatever protocols exist, so that the FBI is encouraged to do that. If they have to straighten out a local law enforcement agency and get the local law enforcement agency to make itself more responsible, less likely to leak, then raise that issue and get that straightened out in advance.

Mr. MEEHAN. Well, I know, Mr. Chairman, as I yield back, that one of the—that is one of the concepts that was behind the creation of the fusion centers, was just that principle, that they would be the follow-up force to pursue that which could not be done. The fact that it isn't happening appropriately is, I think, another weakness

that we ought to be observing and putting in as part of the analysis that is included in your report.

Thank you, Mr. Chairman.

I yield back

Chairman MCCAUL. We certainly will.

The Chairman now recognizes Mr. Vela from Texas.

Mr. VELA. Thank you, Mr. Chairman.

Mr. Leiter, yesterday, a subcommittee of this full body, led by Chairman Duncan as that subcommittee, had a hearing about the influence of Iran in the Western Hemisphere. Understanding that terrorists may enter this country through many other ports of entry, I am curious about your thoughts on what we can do more in terms of a relationship with Canada and Mexico to prevent these terrorists from coming into this country.

Mr. LEITER. I think, Congressman, we have at least two examples already of Iranian-influenced or sponsored terrorists using both of those countries. You have the plot against the Saudi ambassador, which was sponsored by Iran and involved the Southern Border, and then, as Professor Hoffman noted, you have an al-Qaeda-inspired plot in Canada, which involved leadership, al-Qaeda leadership in Iran. So we know both those borders are vulnerabilities. They pose very different challenges, though. Obviously, in the Southwest Border, it is mass and volume, but, frankly, if you have Iranians coming through that border, they tend to stand out.

On the Northern Border, obviously, there is still lots of mass and volume, but it is a very, very diverse population coming across that Northern Border, and in that sense, it can be harder to catch these things, all going to ensuring that DHS, FBI, NCTC, CIA are sharing information about travelers in a seamless way so we can hopefully detect these people, but it also goes to another point, which is as a general matter of the past 12 years, Iranian-sponsored terrorism in the form of Hezbollah or Quds Force has not gotten the same focus as al-Qaeda-inspired terrorism in the United States, appropriately so.

But if you are going to free up the FBI to pursue Iranian-sponsored terrorism, which I think is a real and growing threat in this country, then you have to have them shed some other mission, and one of the ways to do that goes right back to what the mayor was saying about ensuring State and locals are being fully leveraged.

So Iran is a real threat on both borders. We have seen it over the past 2 years. The FBI has to have the resources to pursue that threat, and you can do that in part by leveraging State and locals for these lower-level threats, like what eventually became the Boston bombing.

Mr. VELA. So do you view the degree of risk from the standpoint of entry of Iranian terrorists as equal?

Mr. LEITER. Congressman, I view it as different. It is a real threat that Iran, especially were there to be a conflict between the West and Iran over its nuclear facilities, there is a real threat of Iran using Hezbollah or Quds Force to attack the United States. There are Hezbollah operatives in the United States today. We have seen Quds Force plot attacks here in the United States, and the border is a vulnerability. Again, if there is a shooting war, and

to some extent the Iranians already think they are in a shooting war with us, we will become increasingly vulnerable.

Mr. VELA. I guess what I meant, as equal as the threat of entry by either border being as virtually equal.

Mr. LEITER. Congressman, frankly, I wouldn't diminish the possibility of either of those entries, Southern Border, Northern Border, or any port of entry. Iran and Hezbollah and Quds Force are sophisticated enough to get operatives in this country through any of the three, and they will use any vulnerability in any of the three to get people inside.

Mr. VELA. So my next question was: In terms of our relationships with both countries, what more can we do to avoid those threats?

Mr. LEITER. Congressman, I wish I were a greater expert on our current relations with Mexico and Canada on this. I know there is a—Mrs. Miller has left. There is incredible pressure obviously to keep both of these borders open for very good economic reasons. At the same time, having worked more with the Canadians; I think the Canadians are very focused on this issue.

On the Mexico Border and the Southwest Border, frankly, I think that from the government of Mexico perspective, there are bigger issues than Iran, and that is the general insecurity of the border and the flow of drugs, guns. So I think in that sense, probably continuing to focus on this with the government of Mexico would be very critical.

Mr. VELA. You mentioned that with respect to the New York Times Square bombing, that there was, due to the type of fertilizer that that particular bomber had used and because there were mechanisms in place that were able to detect other more dangerous versions: What information do we have about materials that were used in the Boston bombing in that regard? If you have that information, can you elaborate, you know, why maybe we were not able to identify those materials?

Mr. LEITER. Well, we learned from the Oklahoma City bombing that nitrogen fertilizer-based—fertilizer, nitrogen-based fertilizer is an incredibly effective improvised explosive device. After that event, the FBI started controlling that. So if you have go out and buy 1,000 pounds of nitrogen-based fertilizer, the next day, you know, Agent Smith is probably going to knock on your door and say, "How come you are buying this?" That is why Faisal Shahzad did not buy the right fertilizer.

Now, in the case of Boston, frankly, the enemy got smarter, and the enemy got smarter in part because they were training through things like al-Qaeda in the Arabian Peninsula, *Inspire* magazine, and they bought things that really can't be controlled very well. You can't control the purchase of pressure cookers. You can't control—well, you can, but not very effectively—control the purchase of firecrackers. You can't control the purchase of small BB's and things like that. So they were smart enough to buy things that aren't controlled. That, regrettably, I think, as the mayor and Professor Hoffman had said, when you are part of this ideological group, you learn from each other's mistakes, and you get smarter about it. They were smarter about it.

The good news is they couldn't build bombs that were nearly as big and as powerful as we have seen in the past; big enough and

powerful enough to kill three and wound many others, but not catastrophic death at Boston that we might have otherwise had.

Mr. VELA. Thank you, Mr. Leiter, Mayor and Dr. Hoffman. I yield.

Chairman MCCAUL. The Chairman recognizes the gentleman from South Carolina, Mr. Duncan.

Mr. DUNCAN. Mr. Chairman, thank you so much.

I want to just thank the gentleman from Texas for following up on yesterday's hearing about the Iranian threat in the Western Hemisphere. I want to thank the director for your comments and recognizing that there is an Iranian threat and that Hezbollah and Quds Force, all of the Iranian proxies and their actual paramilitary groups are trying to infiltrate this country, have operatives in this hemisphere. Your comments sort of contradict the State Department, who I hope is taking note of those comments, when they say that the Iranian threat is waning in this hemisphere. I think that is taking a very narrow view. That is sort of like focusing on the row you are plowing and not the field, but—so I appreciate the frankness and openness on the Iranian threat. We are not going to slow down on recognizing and raising awareness for America about that.

So I want to just take a moment and thank the mayor for continuing to talk about political correctness. Director, you may disagree with some of that, but let me just tell you where I am going, is that I have talked for the last 3 years about the disappearing language of terror, the fact that the 9/11 Commission report used words that really identified the real threat, whether it is the words "jihad" or "al-Qaeda" or "Muslim Brotherhood" or identifying the state sponsors of terror or terrorist organizations themselves, these are identifiers. When you see that the use of those identifiers are discouraged or those words themselves are stripped from the lexicons of some of the law enforcement agencies, as we have seen over the last 4 or 5 years, that concerns me, because I do believe that you have got to be able to identify your enemy and talk openly about your enemy. But when I hear that the DOD and the Pentagon discourage the use of certain identifying words within our military apparatus and they discourage those officers from talking about those type threats, then you do, I believe, have a Fort Hood-type situation where maybe military officers that saw something happening were fearful of identifying that as a jihadist-type threat because they were fearful about future promotions or assignments. I understand how the military works there.

So I don't think we need to back away from being able to talk about the threats that we face, and so I appreciate the frankness that we are seeing today and from the mayor.

So just segueing into the fact, and let me just say that, Mayor Giuliani, in the hours and days and weeks after the September 11 attack, your even-keeled, trustworthy leadership became both a symbol of New York's and our Nation's resolve, and I have reason to believe that—and the competence of our Government's ability to respond to acts of terror and mass disaster really came about from your leadership. So I thank you for that, because I was sitting in South Carolina, and I was watching it from afar, and I was in-

spired. I was inspired to the point to get back involved in public service.

But let me expound on that in that Ted Poe from Texas and I were on a boat in the Philippines, a PT boat, with a Navy, a young man who was in the Navy manning a 50-caliber gun fighting the war on terror in Mindanao in the southern Philippines, as far as way from New York as you can think, as far as way from Afghanistan as you can envision, and we asked him, why did you join the Navy? He said, "Sir, I am from New York," and he said, "My best friend and I went down on September 12, and we joined, because we never wanted to see that happen again." He was inspired from your leadership, I believe, as well, and he is serving our Nation in that.

So when we talk about political correctness and I talk about your leadership, you helped really, I think, start the ball rolling on the "See Something, Say Something," you know, to inspire Americans to actually watch your surroundings and be cognizant of what is going on and see that backpack laying there.

But when we talk with the DHS about their communication with America, they seem sort of antagonistic. It seems to me that on a whole host of issues, from TSA screening to DHS ammunition purchases, the Department does a horrendous job communicating its mission and its policies to the American people.

So, Mayor, how would you recommend that the DHS could better engage the American people, rather than continuing that antagonism, because I do believe that "See Something, Say Something" is part of the answer to involve the American people? So if you could address that, and that will be my last and final question.

Mr. GIULIANI. Thank you, Mr. Duncan. The reality is this is a very difficult balance, right? We want an alert group of citizens who are reporting to us information that they see that is suspicious. We want police officers who have been trained on the precursors of terrorism. I recommend to you an article written by Commissioner Bratton, oh, gosh, about 4 years ago now, in which he describes the training he put the Los Angeles Police Department through to look for the warning signs of a terrorist act.

You want a citizenry that is alert to that. You want a police department that is sensitive to it.

At the same time, we don't want to trample on people's civil liberties, because if you have a citizenry that is very alert to that and you have a police department that is very sensitive to it, they are going to occasionally make mistakes. They are going to see something suspicious that turns out to be innocent activity. That is a very, very difficult balance, that is a very difficult balance to strike, but we have to attempt to do it.

We always had to attempt to do it. We now have to attempt to do it if, in fact, we have finally recognized that we face this threat of one-off terrorists, self-inspired terrorists, because the only signs of them are probably going to be these things that you see in the community by the police or citizens.

I think that being honest about what we face will make that citizenry more willing to come forward and make that police department more willing to take a risk in our favor than if we engage in this, you know, fiction that there is no war, there is no war

against us. Well, that is absurd. I mean, they believe there is a war against us. It is just a matter of whether we recognize it or not.

It is absurd to say that there isn't a connection between these things. Within a couple of weeks of each other, there was a connection between Boston and London, right? The bombers in Boston were inspired by jihadism, by Islamic extremism. The guy in London went on television to explain to us he was inspired by exactly the same thing.

I don't think we are insulting anybody. I don't think we are offending anybody if we just recognize—you know, if we just recognize reality. If we don't do that, we are going to lose a lot of these hints.

Before September 11, I saw my city saved from terrorism several times by an alert police department that wasn't afraid to come forward. There was an incident that occurred about 2 years before September 11. A young New York City police officer, I think a rookie police officer, was patrolling a subway station in Brooklyn. He noticed two men that looked Middle Eastern suspiciously looking at a train station. I don't exactly remember what the suspicion was, but they looked suspicious. He went to his sergeant at the desk at his Brooklyn precinct, and he said, "you know, I saw these two Middle Eastern-looking guys, and they looked suspicious." Sergeant could have said, "oh, forget it, kid, you know, there are plenty of those situations in Brooklyn, and get lost." The sergeant said, "you know, I will check with the JTTF." So he called in the JTTF. This was about 10 o'clock at night. At 5 o'clock in the morning, the JTTF broke into a row house in Brooklyn and shot this man as he was about to hit the toggle switch of a bomb that would have blown up that entire building. They were planning to blow up this subway station.

That was—this is what we want to happen. We want a police—we want rookie police officers who are alert enough to pick out things like that, because it prevents—now, it can't happen every time, but we—this is what the FBI needs if it is going to help us prevent these kinds of things from happening.

Maybe we have to err on the side a little bit of telling them, "Don't be afraid to act on your instincts." Because every once in a while when they act on their instincts, they are going to make a mistake, but the question is: On which side do we want to err? Do we want to err on the side of making sure we never make a mistake and falsely identify someone as a terrorist who isn't, or do we want to err on the side of making sure that we don't have any future Boston bombings?

I think that is a political choice, not in a partisan sense, but in a legal sense. That is a political choice that has to be made as to which that we want to do. I know which one I think we should do, but I think that is something that is a little bit confusing right now.

Mr. DUNCAN. Yeah. Well, let me just end saying, God bless you guys and everyone that is working to keep this country safe.

I believe, Mr. Chairman, that if we are honest with the American people and have an adult conversation about the real threat and talk about real terms, that I believe we will be better off in the long run. So I yield back the balance.

Chairman MCCAUL. I agree.

The Chairman now recognizes the gentleman from Louisiana, Mr. Richmond.

Mr. RICHMOND. Thank you, Mr. Chairman.

I will just pick up where the mayor left off, and that is talking about giving our law enforcement officers the reassurance that if it is a good faith effort and it is wrong or a mistake, that we are going to support them, because we want them to use their judgment and their—well, use their judgment and to trust their instincts.

What, in your opinion, do we need to do to send them that message that you think would reassure them and give them the confidence to take that chance?

Mr. GIULIANI. I think the FBI engaging them more would be enormously helpful. The FBI developing—now with a new director, maybe this is one of the initiatives that could take place. For the FBI to really think in terms of a potential 800,000 additional law enforcement agents are available to us, and it probably isn't going to be all of them, because they all can't be trained, but maybe the FBI should undertake to train them in what they should be looking for, how they should conduct themselves, even how they should conduct themselves in trying to strike the balance between how far do we go and when do we violate somebody's civil liberties. That would be a very valid thing, you know, for the FBI to do.

I have always found—here is the thing that breaks down these institutional barriers, which I saw in the Federal Government and I saw in New York City government. Some of our agencies in New York City government, as Congressman King knows, don't exactly get along all the time. The more these people get to know each other and the more it becomes a personal relationship, the better it works.

The first Joint Terrorism Task Force was set up in New York City in the late 1970s between an FBI director named Ken Walton and a New York City police commissioner named McGuire, and they were good friends. They were facing bombings then that have nothing to do—they were facing bombings that included—it was a Cuban—a Cuban terrorist group. So they were facing all these bombings, and they decided that they were going to do a Joint Terrorism Task Force, make the cops and the FBI agents partners so they would sit down and investigate the cases together. This only came about because of their personal relationship. Most of the cops probably thought it was a terrible mistake, you can't work with the FBI. Most of the FBI thought the FBI would be compromised forever working with the New York City Police Department. But because these two guys got along with each other, so if you foster these relationships, then this information flows a lot better.

Mr. RICHMOND. Well, and that goes right into my next question, and Mr. Leiter, I will give you a shot at answering. Do we leave this voluntarily up to the FBI, or do we set some sort of protocols or rules whereby when something is—a trigger is reached, that there is some mandatory disclosure or information sharing?

Mr. LEITER. Well, Congressman, I tend to think that—I mean, I am an Executive branch guy. I was Judiciary; now I am Executive, so I like a little bit of flexibility for the Executive branch, because

I don't think that a Congress wants to be in the position of figuring out when exactly something should or should not be shared, but you can also set the tone for this. You know, I have worked with this committee a lot. It would be great to have a joint hearing between this committee and the House Judiciary Committee and invite FBI and DHS to sit next to each other and you have, you know, Ed Davis up there, too. That is a statement that, here, we are going to work together on this; we are going to resource the two organizations, Justice and Homeland Security, in a way that forces you to work together. We are only going to have—we are only going to fund future fusion centers if they were co-located with joint terrorism task forces. That is a message to the Executive branch that you will operate in a joint way; we are going to set the standards. I think it is—you can provide reporting requirements.

So rather than providing rules, figure out if you get 1,000 Guardian leads, that is a tip to the FBI, tell us what percentage of those leads are provided to State and local fusion centers and then to State and local police departments. Then you can make the judgment if it is 5 percent our share, that is a problem; if it is 95 percent shared, you can have that conversation, but I think that is probably a better methodology of legislating than trying to say you will share under these circumstances, you won't share under others.

Mr. RICHMOND. Well, thank you for that. I know that we have had a lot of talk about political correctness today, and part of the conversation also has to be about political courage. Mr. Mayor, we talked about the 9/11 Commission report, but I still think that we are far too patient as a committee in not claiming our rightful jurisdiction so that the Department of Homeland Security is not spread out all over the place, answering to 108 committees or subcommittees over the last couple years. It is one of the—one of the suggestions that has not been implemented, and I don't think it is a Democrat or Republican thing, but I think that it is one thing that this committee could do in a bipartisan manner is to make sure that we bring enough attention to the fact that we still do not have the jurisdiction that we should have, no matter if it is Chairman King or Chairman McCaul or former Chairman Thompson, that we do it. I think that the more that these things happen, the more it highlights the fact that we have an interest, we have the ability to do it, but we just don't have the jurisdiction so that we can get to where we need to be as a committee.

So, with that, Mr. Chairman, I would yield back.

Chairman MCCAUL. I thank the gentleman. That is a work in progress.

Director Leiter, actually your recommendation is one that I have already been discussing with the Chairman of Judiciary to hold a joint hearing. I am not sure the FBI will show up, but they should in a closed session, I would think.

So with that, I now recognize Mr. Barletta.

Mr. BARLETTA. Thank you, Mr. Chairman.

Mr. Mayor, let me just say I have a special admiration for Italian mayors who are Yankee fans.

You know, I believe our first priority in any type of immigration laws are, No. 1, to protect the American people. I think that is first

and foremost in my mind and what we should do. Obviously immigration is at the forefront of what we are debating here. I would like to point out that when we talk about border security, sometimes what is left out is visa overstays. Nearly—over 40 percent of the people that are in the country illegally didn't cross a border. They come legally on a visa, overstayed a visa and we simply can't find them.

When I look at—and in any State that has an international airport, I believe you are, therefore, a border State. When we look at some of the attacks that we have seen, whether it be the Christmas day bomber, whether it was Tamerlan going back to a country that he was fleeing from and being able to get back into the United States, whether it was his buddy who got back here on a student visa when he wasn't even in school any longer. Whether it was Mahmud Abouhalima, who in 1986 was given amnesty as an ag worker, when in reality, he was taxi cab driver and was involved in the 1993 attack on the World Trade Center. The only thing he planted in America was a bomb. Whether it be the two of the pilots on 9/11, who had their students visas approved after they were dead. I think it is obvious to me that we have gaping holes in our visa system here.

My question is: With that, do you feel that it would be in the best interests of the American people that we fix that problem first, since we know it is a National security threat and would solve half of our problem as well as making cities—no one knows better than you what happens when somebody gets by. I would like your opinion.

Mr. GIULIANI. Well, Mr. Barletta, I think there is no question that our immigration system has to be fixed. I mean, your body has just passed a massive reform. Some people think it is enough; some people think it isn't enough, but you have made a good-faith effort to try to fix it, which hasn't been done in a very long time to improve border security.

I think that too often, we think of border security just in terms of illegal immigration. We don't think of it in terms of if we are open to illegal immigration, we are also open to terrorists coming in and we don't know who they are, drug dealers coming in, criminals coming in, people who are mentally ill coming in.

A civilized country controls its border. There is nothing unfair about that. There is nothing inhumane about that. It is actually humane to the citizens that are here that we make a good-faith effort to figure out everybody who is in this country and identify themselves when they come in.

Virtually every other democracy has a pretty strict policy about who they let into their country. You know, you travel; I travel. We have to identify ourselves when we go into England, France, Germany, Italy, China, anyplace else.

So I think that to the extent that we can have a system that allows us to get as close to 100 percent as possible at identifying everybody who comes into the United States, we are going to be a much safer country. We are going to be safer against terrorism. We are going to be safer against crime. We are going to be safer against communicable disease. So I think this is just one of the things that, you know, benefits from it.

If we don't have control, if we don't have reasonable control of our borders, then, you know, everything else kind of falls apart. So I hope that with the bill that you passed—not that you, the Senate passed and the bill that you are going to pass eventually, I hope what comes out of that is, whatever happens on the other part of it, much more resources for Border Patrol.

I have always thought it was much easier than people think to control the south—Southern Border of the United States, that it is not as impossible a task as people make it out to be. I look at this size of the border, I think of how I reorganized a police department to reduce crime in New York City. I know this sounds like a strange statement, but I think it would be easier to control the Southern Border than to reduce crime by 50 or 60 percent in New York City. The scale is about the same. We have 77 police precincts. You would need about 50 Border Patrol stations. We had about 40,000 police officers. You'd probably only need about 20,000 to 30,000 Border Patrol to do it.

If we did it, we would end up with a much better economic system, too. Then if we had control over who was coming in legally and we knew who they were, then we could expand the number of people coming in legally. We could make it easier for them to come in legally, make it impossible for them to come in illegally. I think this will help reduce the risk of terrorism, and it helps in about 100 other ways.

Mr. BARLETTA. I think simply put, you wouldn't replace the carpeting in your home if you still had a hole in your roof.

Mr. GIULIANI. I think that is right, yes.

Mr. BARLETTA. Thank you. I yield back the balance of my time.

Chairman MCCAUL. Thank the gentleman.

Just for the record, this committee did pass the Border Security Results Act unanimously, which is almost unheard of in today's political environment.

So, with that, the Chairman now recognizes the gentleman from California, Mr. Swalwell.

Mr. SWALWELL. Hi, Mr. Mayor, and welcome, and welcome to our other witnesses. I was a Congressional intern when September 11 happened, and, you know, I really appreciated your leadership. It was a terrifying time to be in Washington, even more terrifying to be on the ground in New York City, and you really led the city with your leadership. I even remember reading your book when I was in college, and I still follow the under-promise, over-deliver model—

Mr. GIULIANI. Thank you very much.

Mr. SWALWELL [continuing]. That you prescribed. I think you would agree that even the Congress came together, and it was a moment of bipartisanship. We sang on the—the Members sang on the House steps "God Bless America", and the days, weeks, and months after, our country really did come together.

You have really acknowledged President Bush's role, and you seem to have praised President Bush and the role he played.

Would you agree, though, that President Obama, since he took office, he has increased the number of drone strikes that the Bush administration was conducting once he took office and actually went after terrorists more abroad than President Bush did?

Mr. GIULIANI. I think there are some very good things that President Obama has done. I think there are things I strongly disagree with that President Obama has done. I think I particularly believe that the drone program has been an effective program.

I don't know the program in great detail. I mean, there is an awful lot about it that is Classified. I don't know exactly how the choices are made about who is targeted for attack and who isn't. But if you ask me in general, do I think the drone program is a good thing, I do. I think it is a necessary one.

Mr. SWALWELL. I would more just point out that the program has certainly escalated since President Bush left office, and President Obama—

Mr. GIULIANI. Yeah. I do—I don't want to get contentious, but I do have one issue with it maybe coming at it from where I come at it, which is there was such a tremendous amount of concern in capturing terrorists and subjecting them to intensive questioning, including the three or four that were waterboarded, and now, of course, we have killed many, many more of them.

Mr. SWALWELL. Well, and I will—

Mr. GIULIANI. It would—it would—the one hesitation I would have about the drone program is, do we deprive ourselves of the ability to get information from people if we engage in a little more of the dirtier task of capturing them and questioning them? I am not an expert on this. I don't know what the right answer is, but I think that is a legitimate question to ask.

Mr. SWALWELL. But would—you would also agree that as far as foreign surveillance and the NSA and the data collection and the PRISM program, that has certainly escalated since President Bush was in office. Our efforts to identify foreign nationals who are participating in terrorism and their efforts to communicate in American, that President Obama, even taking heat in his own party, has stepped up efforts.

Mr. GIULIANI. He has certainly stepped up efforts and continued some of the programs that President Bush started.

Mr. SWALWELL. He participated in the ordering of the killing of Osama bin Laden.

Mr. GIULIANI. For which I have given him great praise and told him personally I thought it was a real act of leadership in doing that.

Mr. SWALWELL. I mean, I think there may be disagreements on, you know, some of the tactics used, but, I mean, I think you would probably agree, I mean, President Obama has continued President Bush's efforts on the war on terror and has in some ways been more successful.

Mr. GIULIANI. In some ways, he has been more successful.

In some ways, he has been less successful. I think he has been less successful in capturing people and getting information from them.

My major objection to President Obama's change has been in his unwillingness to describe it as a war on terror, because I think it sends the wrong signals to our bureaucracy, and I think it sends the wrong signals to our enemies. I think they perceive that as a sign of weakness and almost irrationality that you would not de-

scribe us as being at war with terrorists when they are at war with us.

Mr. SWALWELL. I want to just shift topics. We have seen in the last few weeks—well, we had a plane crash in San Francisco, which is right near my district, and you saw social media was the first on the ground to respond before first responders, before traditional media. We saw in the Boston bombings that it was the FBI working in—collecting information from social media, and using and engaging a new audience to try and learn more about these bombers that helped their investigation. And ask you to kind of go back in time. What role do you think social media would have played had it been around on September 11, and what role do you hope to see it play or what role do you see it playing as we address the terrorist threat going forward?

Mr. GIULIANI. Social media has expanded exponentially since September 11, so that is probably a hypothetical question that is almost impossible to answer. If a September 11 were planned today, the chance of picking it up through social media and other forms of communication, which we now have much more surveillance of, as we found out, is much greater. Again, there is no 100 percent chance you are going to pick something up. But I think one of the reasons, I have forgotten who made this statement about—I think you did, about how long we have gone without a really massive attack, attack like September 11, I think one of the reasons for that is it would be very hard to do, to accomplish that today. The things that are in place today that weren't in place before September 11 give us a much greater chance of picking up a massive attack. On the other hand, that then leaves us vulnerable to these smaller attacks, which in essence, take place under the radar that we have set up. So we are safer against one, but we are more vulnerable to another.

Although the numbers are different—you know, in a large attack, more people die; in a smaller attack, less people die—both of them are enormously destabilizing to a country that, after all, values every human life. So if you say, well, 13 died here and 3,000 died there, and that does make a difference, but it is still very destabilizing, particularly if we have numerous acts like this, if we have numerous attempts to attack us. Even the attempts that we stop are very destabilizing.

Mr. SWALWELL. Thank you, Mr. Mayor.

Thank you, Mr. Chairman.

Chairman MCCAUL. The Chairman now recognizes the gentleman from Utah, Mr. Stewart.

Mr. STEWART. Thank you, Mr. Chairman. Thank you for holding this very important hearing.

To the three witnesses, thank you for being here today.

Mr. Mayor, you have received great praise, as you should have. Having been knighted, I hope you are not offended we haven't called you Sir Giuliani.

Mr. GIULIANI. No. I appreciate it. I try to hide—I explained to Mr. King, I try to hide the fact.

Mr. STEWART. I think that mayor is sufficient.

Mr. GIULIANI. In Brooklyn, this would be perceived very poorly.

Mr. STEWART. As it would in my hometown as well.

I would like to just very quickly follow up on Mr. Swalwell's comments, recognizing to me the severe irony that most, if not all, of the policies of former President Bush had in place and that which our President campaigned so aggressively against are the very policies that he has kept, and perhaps President Bush had more than a few things right, and I think history is going to prove that that was the case.

I have taken a lot of notes from you gentlemen on the things that you have testified here today. You have used words "common threads." We have talked a lot about political correctness, at one point, Mr. Giuliani, I think you said "Islamic domination."

I would like to talk about some of those ideas, the big picture, or the bigger picture, if we could. Specifically, I would like to talk about the motivation for their actions. What motivates our enemies to do the things that they have done? It has been said that maybe the United States is to blame for some of their actions and some of their vitriol and hatred against us; perhaps if we had not been so colonial, or if we had not exploited developing nations, or perhaps if we didn't have U.S. personnel in certain parts of the world right now.

I guess, at its essence, this idea of American exceptionalism, do you have faith in that or do you believe more in the idea of American relativism or cultural relativism? I just think that is absurd, by the way, and that is a topic for another day. But I think that America is, as Abraham Lincoln said, the last best hope of man. I think that is not just true for Americans; I think that is true for people all over the world.

At its heart, then, though, my question is this: Is there anything that we can do that will eliminate or maybe at least lessen their motivation to bring us harm, or is it a greater truth that the reality is that as long as Islamic fundamentalism exists, that they will always seek to destroy us? I would appreciate your opinions on those from any of you.

Mr. GIULIANI. Mr. Stewart, I have no doubt about the answer to your question—

Mr. STEWART. Okay.

Mr. GIULIANI [continuing]. Because I faced this in the days after September 11, trying to figure out, why would somebody do what they did?

The reality is what we do is only at the margins of what they do to us. Their motivation—their motivation, even though it can be described as irrational, maybe even insane, I mean, their motivation is their perception of their religion. It is an incorrect perception, or at least I believe it is. It is a completely deceptive kind of view of the major message of the Muslim religion, but it is the message they have taken out of it.

The only way we can stop them is if we stopped being a democracy, if we stopped respecting the rights of women, if we subjugated women to where they believe women belong in society; if we stopped believing in God the way we believe in God and accepted their belief about God. To a large extent, we would have to do away with our financial system the way it operates. I mean, we would essentially have to—we would essentially have to change our values to fit their values in order for them not to want to kill us,

because that is why they are trying to kill us. It is not about Israel and Palestine. That is a side issue. It is not about our occupation of any place, because we haven't really occupied any Muslim lands, really. It is not like the dispute with communism over an economics system and even a social system. This emanates from their perception of their religion and what their religion is demanding of them.

Now, they may get to that because of psychological problems they have, but then when they get to it, they are all joined in the same motivation. So if you are asking, "well, gee, how can we in some broad sense stop that?"—we can't. But on a smaller level, we can try.

I mean, on a smaller level, we could try to engage more with moderate, sensible, mainstream members of the Muslim and Islamic community, of which there are many. We could try to encourage them more to step out on this.

I am going to tell you a totally unrelated story, but it is part of how I think about all this. When I was United States attorney, the first thing I began pursuing was the mafia, and after bringing my first case against the mafia, I was criticized for using the word "mafia." Not only was I criticized for using it, it was demanded that I be removed from office, because it violated the Justice Department guideline that you couldn't use the word "mafia." It was a guideline that had been put in at the behest of the Italian American Civil Rights Committee that got Attorney General Mitchell to agree to do this. The Italian American Civil Rights League was headed by Joseph Colombo, who was the head of the Colombo crime family. But you couldn't use the word "mafia," because it was insulting to Italian-Americans to use the word "mafia."

I said that I was going to continue to use the word "mafia," because it should only be insulting to Italian-Americans who were members of the mafia or Italian-Americans who sympathize with the mafia, but for Italian-Americans who thought of the mafia as a group of murdering imbeciles, which is what they were, then it should be liberating; it should point out to society that, yes, there is this aberrational group called the mafia, but most Italian-Americans don't want them, don't like them, want to see them gone.

It would be very, very healthy if that is the dialogue we had with the Muslim community, that most Muslims should be as opposed—and I hope they are, and I believe most of them are, the question is getting everyone to speak out and getting on the same page about this. But nobody should be defensive about describing something as Islamic terrorism that you are insulting legitimate, decent members of the Islamic religion. If you say "Islamic extremist terrorism," you are insulting exactly who you want to insult, Islamic extremists and those who sympathize with them. Anybody in the Islamic community who is nervous about that should get over it.

Mr. STEWART. Mr. Mayor, I appreciate your answer. I wish, gentlemen, if we had more time, I would maybe follow up individually with you and your opinions on that as well.

Mr. LEITER. Mr. Chairman, if I could have—just very quickly, because I think this is a critical question. Al-Qaeda's narrative is pretty simple; it is us versus them. The "us" is the West, United States, Western, Israel. The "them" is all of the Muslim world. We

have to do everything we can to show that that narrative is false, that the “us” is the West and the vast, vast majority of Muslims in the United States and elsewhere. The “them” is that tiny proportion of the violent Islamic extremists around the world who are actually terrorists.

We are not going to change those terrorists’ minds. We have to kill them, capture them, and the like.

What we can do is help ensure that the rest of the Muslim world and the rest of the non-Muslim American world and the like realizes that we are in it together against that tiny percentage. Again, the us versus them is not West versus Islam.

Mr. STEWART. Okay. Again, I thank you for that response. I think you are exactly right.

Maybe, Mr. Chairman, if I could just conclude with this, for that small percentage, and it is a small percentage, but there are those that exist, the Islamic fundamentalists, that this is a long, long haul for us here. Short of us redefining who we are as a people, something that has been developed over hundreds of years, short of that, which we are clearly not going to do, then this will be a conflict that will exist, again, for the long haul, and we need to prepare ourselves and prepare the American people for that.

So, with that, Mr. Chairman, thank you.

Chairman MCCAUL. Thank you.

The Chairman now recognizes the gentlelady from New York, Ms. Clarke.

Ms. CLARKE. Thank you, Mr. McCaul, Ranking Member.

You forgot to say the gentlelady from Brooklyn.

Sir Giuliani, I think we have not given Brooklyn the fact that it is far more cosmopolitan these days than perhaps has been given credit for during the proceedings today, but it is great to see you here.

The rest of our witnesses, it is good to have you here as well.

Mr. Giuliani, Honorable Giuliani, Mayor Giuliani, you may recall that my mother served as a council member—

Mr. GIULIANI. Yes. Of course.

Ms. CLARKE [continuing]. During your mayoralty. So it is good to have you here to give us a sobering look at what we are challenged with.

What I find, having been in New York all my life, is that we oftentimes forget that—or get caught up in the hindsight—is 20/20 type-of philosophy, in that, you know, New York has become the way it has become because we have been the No. 1 terrorist target.

I remember the 1993 bombing, because my father was in the building at the time. None of us could have imagined that the World Trade Center would have been bombed. From that, we decided we would put barriers at the lower levels of our high-rise buildings and protect, you know, municipal buildings and what have you, but none of us could envision that then people would fly planes from above to then take down buildings. Right? So, now, we know that we have to reorient ourselves in terms of security, intelligence, things of that nature. I think that, you know, it is an on-going battle, it is an on-going challenge that we have to think outside the box, to use the type of information-sharing capabilities that we have in real time to try to avert things.

But, Mr. Leiter, I think you put your finger on the pulse of it: It is a challenge, and resources are finite.

You know, my question is: What role does DHS play in the intelligence community? Because if we can't answer that question, then our mission as a committee, the mission of the agency that was stood up with a very focused purpose, it is all for naught. I would like to get your responses. You know, just given what we know now, you know, how do we minimize human error, and how do we use this agency as the agency to get that done?

Mr. LEITER. It is an excellent question, Congresswoman. I would say, to me, DHS intelligence has struggled at times. We all know it has struggled. It has, in my view, four principal things that it has to do really well, and all the rest, it should just stop doing entirely.

No. 1, it is the only intelligence organization that is focused on what is going in and out of the borders, people and goods. It better do that perfectly, or as near as you can to perfect, and it has to do that in close conjunction with CBP, Customs and Border Protection, and Immigrations and Customs Enforcement. I will come back to in a minute. That is No. 1.

No. 2, critical infrastructure. It is the only intelligence organization that focuses on critical infrastructure in the United States, so it better do that as well as anyone can, understanding where that infrastructure is, what the defenses are, what the vulnerabilities are, and how to protect it.

No. 3, and this is what we have talked about a lot, it has to be the lead in helping those fusion centers actually serve that collection management, burden-sharing, follow-up investigation effort that we have all talked so much about. In my view, it hasn't done a great job at that. It has done a good job of building fusion centers and getting information out to fusion centers and educating that workforce, but this more granular operational level is not what it has worked with the fusion centers as much to do.

Fourth and final, it has to be a true fusion center within DHS itself to leverage all of the intelligence that Customs and Border Protection, Immigrations and Customs Enforcement, TSA, Secret Service, Coast Guard already get. It has to be that hub, because no one else can do that.

If it can do those four things really well, then everything else can be forgotten. In my view, I hope the next Under Secretary focuses on that, focuses on building the workforce to do that. It will still be a tough challenge.

Ms. CLARKE. Did either of you want to try to—

Mr. GIULIANI. It seems to me that that is a perfect analysis of how you can focus DHS, which, after all, is in the scheme of things in Washington a new agency.

Ms. CLARKE. Yeah.

Mr. GIULIANI. If you are as effective and as strong a leader for Brooklyn as your mother was, we will be very well served.

Ms. CLARKE. Thank you.

Mr. GIULIANI. She was a great woman.

Ms. CLARKE. Thank you.

Thank you. I yield back, Mr. Chairman.

Chairman MCCAUL. Let me thank the gentlelady from Brooklyn for that question. That sets up a good record for us with respect to INA within DHS.

With that, the Chairman now recognizes the very patient gentlelady from Indiana, former U.S. attorney, Mrs. Susan Brooks.

Mrs. BROOKS. Thank you, Mr. Chairman.

Thank you so very much to all of you for coming and sharing. That is actually what I want to talk about.

Director Leiter, you mentioned that there may be a lack of training. You mentioned that we might have even had some FBI agents, which causes me great concern, because after 9/11, we did extensive training. Certainly communities like New York, maybe Los Angeles, Chicago knew a lot about terrorism. Those of us in central Indiana and throughout the rest of the country probably didn't know a lot about terrorism on 9/11, but then, for years, led by the FBI and the Federal Government, we went out and U.S. attorneys worked to train our local law enforcement and our communities about prevention and detection of terrorism. I am concerned that we have very much gotten away from that. I am curious whether or not, you know, professionals, like Dr. Hoffman and other experts who study this, are actually brought in, whether it is to conferences, whether it is to the training of new agents or agents that are now being placed on JTTF's and fusion centers and the local law enforcement, and I would like to you comment, because I think that is something that may be lacking as we have moved away from 9/11.

So if you would just start, and would like the others' thoughts on it, because I think if we don't train—I just held a hearing yesterday in our Emergency Preparedness, Response, and Communications subcommittee of this committee, and it was about the use of social media in disaster preparedness, terrorist response. If we don't continue to train and educate on whether it is communication tools or, I think more importantly, what are terrorist organizations looking like now, or terrorist individuals looking like, I think we will just continue to have attack after attack like we have suffered. So if you would just—

Mr. LEITER. First of all, Congressman, we are undoubtedly in a much better place than we were on 9/11. I mean, the average police chief throughout the country, the average agent knows 100 times more than they did about what al-Qaeda is and what Sunni extremism and Iranian threats and all these things, so it is undoubtedly better, but a couple of things.

First, it is a never-ending process. You can't stop, because you have a new generation of officers and agents coming in all the time. With declining resources on this, what is one of the first things if you are a local police chief you are going to cut? Well, I can worry about crime that happens every day or terrorism that might happen. I know what I am going to do. I am going to stop sending my people to JTTF, I am going to give them less terrorism training. So, in declining resources, we have to keep the focus on this, and we have to keep doing it.

Next, I do think, again, this is where political correctness can have a very bad influence. The FBI has been bitten by this before in its training, in part because some of its training was done by

contractors who really didn't know what they were doing. So I think the FBI, DHS have to rely on the expertise that is in the Federal Government, expand that. Bruce Hoffman and I have worked together extensively over the past 7 or 8 years. There are people who really understand this. You have to do it in a way that people aren't scared about teaching the truth, because that is a sure-fire way of missing the forest for the trees.

Mrs. BROOKS. Dr. Hoffman.

Mr. HOFFMAN. Well, this goes back to Mayor Giuliani's points, which I think is very important, is that the perception is that we don't have war on terrorism anymore, and at a time of constrained fiscal resources, it is almost the perfect storm in a sense. I mean, to say the war of terrorism is over; there are fewer resources, so I think there are fewer of these opportunities, when there were certainly more in the immediate aftermath of 9/11. So I think there has to be that focus, especially—and I think foremost is the threat is changing and evolving. I mean, it is a very different threat, I think, than we faced, fortunately, because of our successes in countering terrorism, than 10 years ago, but the threat still exists.

Second, I think one of the problems is that outside of the Federal Government, this became a cottage industry and all sorts of charlatans and people with questionable views and people that often taught, I think, extremely incorrect, inappropriate instruction, that they had absolutely no qualifications gave a lot of the training a bad name. So I think you need qualified people to do the training.

But I have to say, just in the past year, I was part of a training team for a Federal agency. We had done this actually every year since 2002. This is the first year that—and this was done by the U.S. Military Academy's Combating Terrorism Center. This was the first year it was discontinued, and the justification was even though the counterterrorist training had gotten the highest ratings in this particular element of the intelligence community, the instruction's management was told that this was no longer a priority.

Mrs. BROOKS. Thank you.

I don't know, Mayor, if you have anything you'd like to add to—

Mr. GIULIANI. Well, you know, I would add—

Mrs. BROOKS [continuing]. The importance.

Mr. GIULIANI. I would just add to it that one of the things that I have found effective in trying to convince State and local law enforcement to devote more attention to terrorism is that the assumption is, as both gentlemen were pointing out, that with limited resources, if you train for terrorism, necessarily you are taking away from their ability to detect, you know, other crimes and to deal with local crime. But the fact is, a police department that has been trained to detect terrorism does a better job of detecting everything else. After all, you are just teach—you are really teaching them how to patrol effectively, which is what you want of a uniformed police service to do. So it isn't as if these resources are wasted.

If you train them to detect terrorism, they are going to do a better job of detecting possible muggers, murderers, rapists. They are just going to be better law enforcement officers. So that you have to try to get mayors, police commissioners to stop thinking of this as a zero-sum game, and if I do this, I am not doing that.

The same thing is true for the Department of Homeland Security convincing State and local governments they should be prepared for the emergency response after a terrorist act. The chance of any community in America being the subject of a terrorist attack is very, very small. The chance of a terrorist attack somewhere is very, very great. The preparations they do to be ready for a terrorist attack makes them better able to deal with a hurricane or a tornado. I think we have seen that in some of the different emergency responses we have seen to these natural disasters being a lot better in places that were prepared for terrorism than in places that weren't.

Mrs. BROOKS. Thank you very much. I would just comment that we learned that certainly the preparation that Boston undertook, I believe, in November on a terrorist exercise, on an exercise and planning, absolutely saved lives this spring. So—

Mr. GIULIANI. That is the point—that is the point that I guess should be made after speaking so much about some of the things that we have done wrong, but from the moment the attack happened, the emergency response thereafter was about as good as it could possibly be, that saved lives and that also restored public confidence. You know, after a terrorist attack, a community is traumatized.

I was in London for the bombing in 2005, and they missed, from an intelligence point of view, here one of the greatest intelligence services in the world, missed all the signs of that bombing, which is pretty startling, but from the moment the bombing took place, their emergency response was first-rate, it was terrific, and it restored public confidence within 24 hours.

Mrs. BROOKS. Thank you. I will yield back.

Chairman MCCAUL. Let me just echo the comments. When I talked to the first responders in Boston, the way they triaged, using grant funding from DHS, 260 wounded that could have easily bled out in the streets that day, and they saved every one of them. So it is truly remarkable.

With that, last but not least, I now recognize the gentleman from Pennsylvania, Mr. Perry.

Mr. PERRY. Thank you, Mr. Chairman.

I feel compelled to just respond to some of the comments from the gentlemen from—my colleague from California. I find it hyperpartisan and blatantly hypocritical that he would extol the virtues of the current administration's continuation of President Bush's programs, having run specifically against those programs, deriding them without acknowledging at least the fact that those programs are due in very large part for the successes of counterterrorism operations regarding the current administration.

But with that, I will start with you, Mr. Mayor. Thank every one of you gentlemen for your service and your diligence and patience here today. I just want to read an excerpt here: U.S. officials initially described the Times Square plot as a lone-wolf attack and displayed—correction—downplayed links to the Pakistani Taliban, despite the existence of the tape, the tape that was released the day before.

With this and things like naming Nidal Hasan's acts as workplace violence, the attack in Benghazi as a spontaneous eruption

from a crowd, I am wondering, can you tell me what the upside is? Why would we choose, as an administration, as a Nation, why would we choose to characterize the enemy this way, these acts? What do we gain? What are we gaining from that? Do you know? I mean, I know it is not you. I know it is not you, but I am trying to strategize. What is the strategy in doing so?

Mr. GIULIANI. Well, I mean, the only thing I—I feel very uncomfortable giving this explanation, because it is my hypothetical sort of psychobabble analysis of somebody else's thinking, but I believe the thought is that if you engage too much in direct conversation about this or just logical conclusions about what happened, you are going to offend the other side so much that it is going to lead to further attacks. I think that is a—

Mr. PERRY. But is there—

Mr. GIULIANI. I think—

Mr. PERRY. Mayor, with all due respect, is there any evidence—

Mr. GIULIANI. Please. I am not arguing that. I think that is a terrible mistake. I am telling you what I think—

Mr. PERRY. Right.

Mr. GIULIANI [continuing]. What I think the motivate—in fact, I think it is just the opposite, because my knowledge of Islamic terrorism goes back to about 1973, when I—or 1974, when the attacks—you know, when the Palestinian attacks occurred, and I was an assistant U.S. attorney, and then I was put on a commission by President Ford to study Islamic terrorism in 1975.

Mr. PERRY. I mean—

Mr. GIULIANI. I investigated—

Mr. PERRY [continuing]. Is there any evidence to—

Mr. GIULIANI. I investigated Islamic terrorism as U.S. attorney. I dealt with it as mayor. The reality is, and I believe this firmly, the more euphemistic we are, the weaker they think we are.

Mr. PERRY. There is no evidence—

Mr. GIULIANI. The more—

Mr. PERRY [continuing]. To support that—

Mr. GIULIANI. And the more—

Mr. PERRY [continuing]. By placating them, they will hate us less. Is that true?

Mr. GIULIANI. Is that—and the stronger we are and the more direct we are, and more honest we are and the tougher we are, the less likely they are to attack us. Anyway, the more direct we are and the tougher we are, the greater chance we give ourselves of preventing them from attacking us. We are not going to finesse our way out of this.

Mr. PERRY. I am in concurrence, Mr. Mayor.

Mr. Leiter, you, in your opening dialogue, referenced a whole series of thwarted attacks in America and locations maybe close by or at least in the Western world. There was one theme, there was one theme for all of them. We have heard about political correctness over and over again in this committee on this hearing and other ones in the past, but I would say—I would ask you: Is there any reason for us, for me, to believe that those attacks are similar to ones that were enumerated in this committee on this day by folks from the Southern Poverty Law Center as being similar to

maybe Christian organizations or maybe somebody that was unhappy with President Obama and his recent election? Is there any correlation, is there any nexus, is there any similarity?

Mr. LEITER. Well, I actually think there are significant similarities. The similarities in many cases for the radicalization process, whether it is through violent Islamic extremism or some other fill-in-the-blank ideology, you generally have an individual who is disconnected from large parts of society, undergoing a crisis, finds an ideology which makes them feel like they are part of something larger, and then they strike out with violence. So, in that sense, a lot of the psychological effort, even if the ideology is very different, the process of people moving towards violence is quite similar.

Mr. PERRY. Okay. So—and I agree with you there, but my—I guess I need to restate my question. Actualization. From radicalization to actualization, actually carrying out the attack or what have you, is there any similarity from the statistics of Islamic radicalism and these attacks and thwarted attacks, versus domestic terrorism as we would call it that, individuals that grew up in hometown America and got radicalized by something and then carried out the attack?

Mr. LEITER. Well, depending on when we set the time line, the number of Americans killed by domestic extremists remains greater than extremists inspired by al-Qaeda's ideology. If you go back and include Timothy McVeigh, obviously, you have more Americans killed by that form of domestic extremism.

Over the past 10 years, I think the numbers are much closer. I don't know all domestic terrorist incidents. The one that comes to mind obviously is the shooting at the Holocaust Museum. I think some of that mobilization to violence is not dissimilar. So I am sorry, Congressman, but I actually see some significant similarities in all of these cases.

The difference, the key difference, I do think, is in the case of al-Qaeda-inspired ideology, it is more of a global ideology, which requires more of a global response.

Mr. PERRY. I just want to get the facts, so I don't mean to be confrontational.

I don't necessarily see it that way, but as the mayor has already talked about and I think you too as well, we have priorities, we have limited resources. If the majority of the attacks or attempted attacks are coming from one organization, ideology, shouldn't we—and if that is the case, I guess I am asking shouldn't—

Mr. LEITER. We should absolutely prioritize. I can tell you, having worked very closely with FBI and DHS, the overwhelming priority is al-Qaeda-inspired extremism. Frankly, in some ways, we may have overinvested. So if things like some domestic extremism, Iranian-sponsored Hezbollah, Quds Force terrorism is probably, in my view, lower than it might be, but I think, given the consequences of attacks that we saw on 9/11, the global influence of al-Qaeda and homegrown extremism, it is not completely out of whack, but the overwhelming focus for JTTF's in this country today is al-Qaeda-inspired terrorism.

Mr. PERRY. Okay. Thank you, Mr. Chairman. I yield back.

Chairman McCAUL. The Chairman recognizes the gentleman from New York for a few seconds.

Mr. KING. Thank you, Mr. Chairman.

I will just make this quick. Besides thanking the witnesses, I would like to announce Marc Mukasey, who is in the audience. He is with Mayor Giuliani. His father is an outstanding Federal judge, who presided over one of the worst examples of Islamic terrorism in the country; because of that, had to be protected U.S. Marshals for many years. Also thank him for his service as Attorney General.

So, Marc, tell your father he owes me one. Okay? Thank you. Again, thank him for his service.

Chairman MCCAUL. Let me just close by saying thank you to the witnesses. This has been extremely and extraordinarily invaluable for our report and recommendations that we will be developing.

Thank you particularly, mayor, for being here and taking the time to show up.

I am going to close with this statement. On July 19, 2012, the FBI released a press statement proclaiming that they were already implementing the terror prevention recommendations of the Webster Commission, which investigated the Fort Hood shooting. Just 2 days earlier, July 17, Tamerlan returned from the Chechnya region, and the FBI kept the case closed.

The FBI is at the center of our efforts to prevent attacks on the homeland, and it is this committee's responsibility to find out how we did not see this attack coming. It is unfortunate that the FBI has chosen to obstruct this committee's oversight, jurisdiction of events leading up to a terrorist attack on our country. This committee has specific questions related to our investigation of the Boston Marathon bombing, and the FBI refuses to answer those.

For the FBI to allege that this committee does not have jurisdiction over investigating a terrorist attack in the homeland in the United States is a disservice to the American people. This committee will continue with its investigation and will not stop until our investigation is complete.

Last, I ask unanimous consent that a written statement from Bart Johnson, executive director of the International Association of Chiefs of Police, and a letter from Stephen Kelly, the assistant director of the FBI for Congressional affairs, informing this committee that the FBI refuses to provide a witness for the hearing be included in the record.

Without objection, so ordered.

[The information follows:]

STATEMENT OF BART R. JOHNSON, EXECUTIVE DIRECTOR, INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE

The 9/11 terrorist attacks taught us that information exchange between local, State, Tribal, and Federal law enforcement and homeland security partners is absolutely critical to ensuring the safety and security of our Nation and the communities we serve. As the 9/11 Commission properly noted, the lack of effective information and intelligence sharing among Federal, State, Tribal, and local law enforcement agencies was a major handicap in our Nation's homeland security efforts.

However, due to the hard work of our Nation's law enforcement and intelligence community professionals, advances in technology, and increased partnership and trust between Federal, State, and local authorities, our ability to share information has improved tremendously in the 12 years that have passed since 9/11. The evidence is clear that as a result of these changes and relationships, our capacity to identify, investigate, prevent, and respond to these events has enhanced significantly.

In the aftermath of the Boston Marathon bombing and the successful investigation which followed, I received an email from Colonel Tim Alben of the Massachusetts State Police. I believe his email accurately reflects on both the importance of Federal, State, and local information and intelligence sharing but also on the remarkable progress that we have made since the 2001 terrorist attacks. His email to me read, in part:

“Since 9/11, we’ve understood that the only way to defeat this terrorist threat is through collaborative efforts and partnerships between local, State and Federal law enforcement. These partnerships are critical to any hope of success but talking about issues like this can often be easier than actual implementation . . .

“ . . . The Boston FBI Office has been literally overflowing with activity and there are agents here from all over the country. In the middle of this activity; in the midst of the FBI Boston Headquarters are our Troopers and local police officers, tied to the hip of FBI agents, working hand in hand with one common direction. As FBI SAC Rick DesLauriers has repeatedly said ‘one team, one fight’. While no situation is ever perfect, I can attest to the fact that many of the criticisms regarding cooperation and information sharing that existed pre-9/11 have been eliminated and, as law enforcement, we can all take great pride in that alone.

“There are many other success stories here, too many to go into detail on now, but they include the Boston JTTF, our Fusion Center and the Boston Regional Intelligence Center (BRIC). These are post-9/11 creations that, more recently, have come under scrutiny and unjustified criticism. I hope in the coming weeks that we have an opportunity to address all of this. As with every event of this scope, we’ll find things we can improve upon, share this with everyone, and become even better. But the message we need to hear today is that the investment in leadership development, the availability of advanced technology, the progress in information sharing and the collaboration among our IACP members has made the difference we have worked so hard at achieving.”

Colonel Alben’s message is a testament to the progress that the United States and its law enforcement agencies have made since September 11, 2001. In addition to what he mentions above, it was clear that a number of the capabilities on display in the aftermath of the Boston attack were the result of the following measures:

- Planning, exercises, and training for mass casualty events (this saved lives).
- The observance of NIMS, ICS, and command and control.
- Integration of Federal, State, and local law enforcement capabilities.
- Use of social media in the investigation.
- The use of social media in engaging and informing the public.
- Effective information sharing between all levels of government through infrastructures such as the National Network of Fusion Centers, and others.
- Effective use of technology and equipment.
- The sharing of technology and equipment among agencies.

Finally, what we saw in action in Massachusetts was effective leadership, true collaboration, and trusting partnerships. This gave the city, the surrounding area, and the country, the confidence that law enforcement was working together and using everything at their disposal to bring this incident to a swift close.

Collaboration, information, and intelligence sharing among Federal, State, Tribal, and local law enforcement agencies needs to continue. Although we have made great strides, our work is not done. I understand that there are currently hearings being conducted on the Boston Terrorist attack and I am confident that a thorough review will be conducted to determine if there were any intelligence gaps. If any are uncovered, I am equally confident that they will be corrected.

It is for this reason, the IACP continues to work closely with its Federal, State, and local partners to make the processes for communicating and sharing information as easy and efficient as possible, while at the same time protecting privacy and civil rights and liberties. Through a range of efforts, from clarifying how and to whom one should report suspicious activity to and to implementing technological enhancements for information-sharing systems, these initiatives aim to improve the ability of all levels of law enforcement to combat the increasingly diverse threats facing the United States.

## LETTER FROM STEPHEN D. KELLY, ASSISTANT DIRECTOR, OFFICE OF CONGRESSIONAL AFFAIRS

JULY 3, 2013.

The Honorable MICHAEL T. MCCAUL,  
*Chairman, Committee on Homeland Security, U.S. House of Representatives, Washington, DC 20515.*

DEAR MR. CHAIRMAN: This responds to your letter dated June 12, 2013, requesting FBI participation in a hearing on July 10, 2013, entitled "Assessing Attacks on the Homeland: From Fort Hood to Boston," and to your letter dated May 15, 2013, concerning the Committee's requests for additional information and all documents in our possession concerning Tamerlan Tsarnaev and the bombing at the Boston Marathon on April 15, 2013.

We appreciate the Committee's responsibility to conduct oversight over certain Executive Branch agencies, notably the Department of Homeland Security, as set forth in the House Rules cited in your correspondence. In response to the Committee's non-oversight requests to the FBI, we have provided information and responded to the Committee's questions through interagency briefings on April 23; May 13; and June 6, 2013, and in telephone briefings and meetings with senior FBI officials on April 22; May 9; and June 12, 2013. We continue to schedule briefings for your staff concerning non-investigative matters,

In responding to requests from Congress related to on-going criminal matters, the Department of Justice is required to balance Congressional requests for information with its own Constitutional and statutory obligations to preserve the integrity of active criminal investigations, particularly during an on-going prosecution in Federal court. The Department's long-standing policy is to decline to provide Congressional committees with access to materials related to active, on-going law enforcement investigations. This policy ensures the greatest possible success for the investigation and any resulting prosecution consistent with the Constitutional and legal requirements for any criminal proceeding. Consistent with this policy, we are unable to provide the Committee "all information possessed by the U.S. Government" related to Tamerlan Tsarnaev and the on-going investigation. Similarly, we decline the Committee's request to provide a witness for the noticed hearing while the investigation and prosecution are on-going.

We appreciate your support for our efforts to ensure justice for the victims of these tragic attacks.

Sincerely,

STEPHEN KELLY,  
*Assistant Director, Office of Congressional Affairs.*

Chairman MCCAUL. With that, again, my thanks to the witnesses. It has been extremely invaluable for all Members here today and I think to the American people.

With that, this hearing is adjourned. Oh, I am sorry. Recessed.  
 [Whereupon, at 12:28 p.m., the committee was recessed, to reconvene July 11 in Executive Session and subsequently adjourn on that day.]

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