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IMPLICATIONS OF THE NATIONAL INTELLIGENCE ESTIMATE REGARDING AL QAEDA

JOINT HEARING

BEFORE THE

COMMITTEE ON ARMED SERVICES

MEETING JOINTLY WITH

PERMANENT SELECT COMMITTEE ON INTELLIGENCE

HOUSE OF REPRESENTATIVES

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

HEARING HELD
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IMPLICATIONS OF THE NATIONAL INTELLIGENCE ESTIMATE REGARDING AL QAEDA

HOUSE OF REPRESENTATIVES, COMMITTEE ON ARMED SERVICES, MEETING JOINTLY WITH THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE, *Washington, DC, Wednesday, July 25, 2007.*

The committees met, pursuant to call, at 1:13 p.m., in room 2118, Rayburn House Office Building, Hon. Ike Skelton (chairman of the Armed Services Committee) presiding.

OPENING STATEMENT OF HON. IKE SKELTON, A REPRESENTATIVE FROM MISSOURI, CHAIRMAN, COMMITTEE ON ARMED SERVICES

The CHAIRMAN. Ladies and gentlemen, let me welcome today's panelists. Joe Clapper, thank you for being with us, Secretary Long, Secretary Verga, Mr. Leiter and Mr. Gistaro. Everyone is here. So thank you.

This is a very special hearing today, as you will soon learn, that this is pretty much a once-in-a-decade hearing, and we appreciate you being with us today.

We convene to examine and discuss the implications of the recent National Intelligence Estimate, also known as NIE. We are joined by and welcome our colleagues from the Intelligence Committee.

The NIE is entitled: The Terrorist Threat to the U.S. Homeland. The unclassified key judgments contained within include pronouncement that the most persistent threat facing the U.S. homeland over the next three years is the one posed by terrorists and especially al Qaeda. As a Nation, we find ourselves in this strategic situation after pouring billions of dollars and thousands of troops into Iraq. This tremendous sacrifice has diverted our Nation from the real war on terror and subjected the Nation to an unacceptable level of risk.

This committee has spent a great deal of time looking at the strain on our service members as well as on our equipment. We are tasked with ensuring that our military is ready to respond to the next contingency wherever it may be. But we must also ensure that we can deal with today's threats, and I am deeply concerned that we have not paid sufficient attention to the places that threaten us the most.

Chasing windmills has kept our eye off the more important struggle, the ones with roots in Afghanistan. The recent NIE points this picture out clearly, an unstable region within the borders of Pakistan described as strong and resurgent al Qaeda, that warns of a heightened threat environment. In short, it is not good news.

We have asked today's panelists to join us for a discussion about the scope of the NIE, its assumptions, its implications for our Nation.

As chairman of the Armed Services Committee, I am also concerned about the implications for the Department of Defense (DOD). Must we re-examine the Department of Defense's force posture? Must we re-assess the Department of Defense's modernization priorities? Must we revamp the Department's policies in order to address the near-term-threat scenario? These are the pressing questions that I look forward to further examination.

Let me first then recognize the chairman of the Intelligence Committee, Mr. Silver Reyes, for any comments he may have; and then I will go to Ranking Member Hunter and Ranking Member Hoekstra; and I will have some administrative comments shortly thereafter. Mr. Reyes.

[The prepared statement of Mr. Skelton can be found in the Appendix on page 61.]

STATEMENT OF HON. SILVESTRE REYES, A REPRESENTATIVE FROM TEXAS, CHAIRMAN, PERMANENT SELECT COMMITTEE ON INTELLIGENCE

Mr. REYES. Thank you, Chairman Skelton. Good afternoon.

As chairman of the House Permanent Select Committee on Intelligence, I am pleased at this opportunity to conduct our work in open session and to convene a hearing with my colleagues on the House Armed Services Committee. Especially since I also serve as a member of the Armed Services Committee, I know how closely our committees work together to safeguard our Nation and empower our military and intelligence professionals.

I want to also add my personal welcome to our panel of experts.

When focusing on an issue as important as al Qaeda, which is the topic of today's hearing, it is critical that our committees work closely together. I want to thank my good friend and colleague, Ike Skelton, the chairman of the House Armed Services Committee, for his leadership and his partnership, as well as our two ranking members, Mr. Hunter and Mr. Hoekstra.

Today, we will specifically focus on the resurgence of al Qaeda as reflected in the July 2007, National Intelligence Estimate entitled: The Terrorist Threat to the U.S. Homeland. I would like to thank our witnesses for joining us here today because your testimony will help our committees work together to examine this very critical issue to our country.

Our efforts to defeat al Qaeda and protect our Nation are not separate intelligence or military issues. In order to defeat this most urgent threat, all instruments of our national power must work together seamlessly. This joint hearing reflects that approach.

Four years ago, President Bush told the American people that al Qaeda was on the run and that they are not a problem anymore. However, the NIE released earlier this month indicates that today our Intelligence Community believes otherwise. The NIE states that the U.S. homeland will face, and I quote, a persistent and evolving terrorist threat over the next three years and that al Qaeda has regenerated key elements of its homeland attack capability.

Essentially, the NIE reflect that al Qaeda is not just a problem but the most serious threat to our Nation's security. This is a grave issue, and it is critical that Congress know how our country can protect itself and ensure that this does not happen again.

One of our main challenges is that, while the Bush Administration assumed al Qaeda was no longer a threat, the Administration has focused our resources in Iraq. This war, which costs the American people approximately $10 billion a month, has diverted needed funds and personnel from eliminating the threat of al Qaeda.

The NIE, however, points out that the al Qaeda threat emanates from Afghanistan and Pakistan and not Iraq, and the United States has missed critical opportunities to address that threat. Moreover, there are signs that the war in Iraq has had an even greater negative impact. It appears that our presence in Iraq may actually be helping al Qaeda.

As the 2006 National Intelligence Estimate on terrorism noted, the war in Iraq has become a recruiting tool and training ground for terrorists; and, as the new NIE assesses, al Qaeda's association with al Qaeda in Iraq helps al Qaeda raise funds and recruit operatives, including for attacks against our country.

These are critically important issues to the American public, and I look forward today to a productive hearing that will not only tell us more about the threat laid out in the NIE but how we can best fight this threat more effectively. The men and women of the U.S. Intelligence Community, the men and women of the U.S. Armed Forces and the American public as a whole deserve this careful consideration.

Finally, as I have consistently noted since assuming the chairmanship of the House Intelligence Committee, the threat of terrorism is not a political issue. There is no room for partisan politics in the realm of national security. So I look forward to working with all of my colleagues, both Republicans and Democrats, to further safeguard our Nation; and, as always, I invite all of them to work with us.

Thank you again for joining us here today, and thank you to the members of our respective committees who are here as well.

I would now like to turn it back over to the chairman.

[The prepared statement of Mr. Reyes can be found in the Appendix on page 63.]

The CHAIRMAN. I thank the gentleman.

The gentleman from California, the ranking member of the House Armed Services Committee, Mr. Hunter.

STATEMENT OF HON. DUNCAN HUNTER, A REPRESENTATIVE FROM CALIFORNIA, RANKING MEMBER, COMMITTEE ON ARMED SERVICES

Mr. HUNTER. Thank you, Mr. Chairman.

I want to thank you and House Intelligence Committee Chairman Reyes for holding the hearing on a topic that I think is very critical to both committees, and let me join you in welcoming our witnesses today. I think it is important that they are here.

Over the last week or so, we have been bombarded by lots of public statements that I think have ignored or misrepresented, innocently or intentionally, the findings of the latest National Intel-

ligence Estimate. So, to our witnesses, your testimony is therefore timely and welcome, as it should hopefully correct many misstatements that are currently circulating.

I think this summary captures what the Intelligence Community and the policymakers and other experts have said about the al Qaeda threat and what many will point to as a most important finding in the NIE, and that is that al Qaeda is resurgent.

As we discuss the terrorist threats that confront our homeland, we are going to examine our security strategy based on what the enemy is doing and could possibly do. However, we can't lose sight that the summary that we provided is very much the same view of the situation as al Qaeda's; and I think we have to remember that, in 2004, Osama bin Laden said this, and I quote: The world's millstone and pillar is in Baghdad, the capital of the Caliphate.

And later Zawahiri, his number two and principal strategist, clearly laid out al Qaeda's strategy for Iraq; and he said, and I quote: The first stage, expel the Americans from Iraq. The second stage, establish an Islamic authority or emirate, then develop it and support it until it achieves the level of a Caliphate. The third stage, extend the jihad wave to the secular countries neighboring Iraq. Unquote.

Al Qaeda has been waging an offensive war against us and our values for a lot of years, and the group's clearly stated desire is to see us, the West, and the freedom that we represent defeated and destroyed.

Bin Laden's view of the importance of Iraq has never wavered, nor his desire to attack us again on our soil. Yet, despite al Qaeda's effort to break our will, we are also resurgent, in our view, and continue to deny the very opportunities bin Laden hopes to exploit.

The recent surge in Iraq—and I would commend all my colleagues to take a look at especially the activities in Anbar Province and the progress that our Marines have made there. But the recent surge in Iraq, our continued strong military presence in Afghanistan and our unwavering dedication to the Iraqi and Afghan people have pushed al Qaeda back. Our worldwide efforts, as mentioned in the National Intelligence Estimate, have constrained al Qaeda in its operations.

I would just say to folks who find it extremely unusual that we have not sustained another attack on American soil, I would remind my colleagues that we have had an aggressive, forward-leaning operation against al Qaeda since the strike on 9/11. It is difficult to plan an attack when some of your planners don't show up at the meeting because they have been killed or captured; and that is what has happened on many, many occasions.

I think we have got to put today's discussion in perspective. I am greatly concerned with al Qaeda's resurgence in the Pakistani tribal area of North Waziristan, and I have expressed my concern in a February letter to the President on that point.

In al Qaeda, we are facing a determined, persistent foe who demands our continued dedication and resolve. They pose a continuing and grave threat to our Nation. We all know that. We can't focus our efforts solely on the group's physical base in the border region of Afghanistan and Pakistan, or in Iraq. It seeks to export violence from these regions not just to neighboring countries but

also to the U.S. homeland. It seeks to inspire violent cells in Europe, Africa, Asia and the United States.

I think we people who thought that the operations were confined to Iraq and to Afghanistan were shocked from this view with the events that took place in Great Britain a couple of weeks ago. It seeks to use cyberspace and emerging technologies to facilitate its operation, and it seeks to terrorize our nations with violence.

But, most of all, al Qaeda seeks to break our will; and that is something we cannot allow. We have a say in what happens, and we cannot limit our perspective on the threats that we face and the impact we can have on those threats.

So, Mr. Chairman, I look forward to the testimony and discussion of today's hearing and especially as we hear about the actual assessments found in the NIE, the National Intelligence Estimate, not the many misstatements circulating in the press.

As the National Intelligence Estimate rightly states, al Qaeda poses the greatest terrorist threat to our Nation, but the estimate addresses a much broader range of terrorist groups and threats, and I truly hope that we will examine the overall terrorist assessment and what we can do to address the myriad threats we face. Let's not limit our perspective and discussion to a narrow portion of this very important subject.

Mr. Chairman and Chairman Reyes, thank you for bringing this very important joint hearing to our respective committees. I look forward to the testimony.

[The prepared statement of Mr. Hunter can be found in the Appendix on page 68.]

The CHAIRMAN. I thank the gentleman from California.

Now the ranking member on the Intelligence Committee, the gentleman from Michigan, Mr. Hoekstra.

STATEMENT OF HON. PETER HOEKSTRA, A REPRESENTATIVE FROM MICHIGAN, RANKING MEMBER, PERMANENT SELECT COMMITTEE ON INTELLIGENCE

Mr. HOEKSTRA. Thank you, Chairman Skelton. It is good to be with you and Chairman Reyes and Ranking Member Hunter.

It is also good to welcome this distinguished panel to be with us today. Thank you for being here.

Mr. Chairman, I want to start out today by pointing to a critical piece of intelligence, perhaps the most important piece of actionable intelligence written in the unclassified NIE. It states, quote: We judge that the United States currently is in a heightened threat environment, end of quote.

When you read a statement like this, it is impossible to not have your thoughts returned to 9/11, that fateful morning when al Qaeda attacked the United States in a way that none of us will ever forget. I think of what I felt that day. I can only imagine what the families who lost loved ones faced on that day. I can only think of the emotions that went through this Nation as we watched this attack and the aftermath played out on live TV.

When I think of all this, I can only help but ask one question, have we as a Congress done all we can to strengthen our intelligence capability to protect our homeland? Have we given the people who are in front of us today the necessary tools to keep us safe?

Have we sufficiently prepared the Nation for the long struggle we face in the fight against radical jihad?

Unfortunately, Mr. Chairman, today we have to answer to that question "no." We have assembled before us top officials of DOD intelligence and counterterrorism; and for the next several hours we will subject them to all manner of speeches, questioning, while ignoring perhaps the one critical area the Director of National Intelligence (DNI) has told all of us, told Congress and the American people, the tool that he needs and the tool that needs our attention today. It is a comprehensive modernization of the Foreign Intelligence Surveillance Act (FISA).

Testifying before the Senate Select Committee on Intelligence, Director McConnell explained the problem very clearly. Quote: There are circumstances in which the government seeks to monitor for purposes of protecting the Nation from terrorist attacks the communications of foreign persons who are physically located in foreign countries, and the government is required under FISA to obtain a court order to authorize this collection. End of quote.

Further explaining the challenge, Director McConnell has stated: We are missing a significant portion of what we should be getting. End of quote.

The Director of National Intelligence is telling us we are missing vital intelligence that our Nation should be collecting to protect our homeland, foreign intelligence from foreign terrorists in foreign countries, and we can't collect it.

The NIE that we are going to be talking about today says we judge that the United States currently is in a heightened threatened environment. If I haven't ever heard a clearer call for action, this is it. This is a wake-up call for Congress and for America. At a time of increased threat, we are handicapping ourselves in the fight against al Qaeda and radical jihadism.

The hearing we should be having right now, that we should have had already and should have completed, is one on moving legislation to fix this FISA problem and close this terrorism loophole. We have a known intelligence problem, we face a heightened terrorist risk, we have a simple fix to address one of the major FISA problems, and we have over a week before Congress goes on recess.

Al Qaeda is not going to take a break. They haven't taken a break while this loophole existed, they won't take a break until we fix it, if we fix it, and they won't take a break while we take a recess during August. Congress needs to fix it, and we need to fix it before we go on recess.

Why? In a video released on July 5 entitled: The Advice of One Concerned, Zawahiri lays out al Qaeda's strategy which was built on the notion that, in this world, there are outlying states in places such as Asia and Africa and other parts of the world and there are the core states. They are the center of the global system. Who are the core states? America and the European Union.

The tape goes on. Quote: The only way to confront them, according to al Qaeda's theory, is by taking the war from the outlying states to the central states or the core states, in which case the damage and the consequences of this damage will take place in the central states. End of quote.

It means that they are planning and they want to attack us here in the United States. The tale of the tape is clear, al Qaeda believes it is winning in Iraq, laying the foundation for a post-America Caliphate with its center there and ultimately extending the jihad wave to the rest of the world.

If al Qaeda intends to fight us globally and here in the homeland, we must be prepared to do the same. We cannot expect to leave one part of the battlefield without consequences on another part. In short, it is my fear if we precipitously leave Iraq, al Qaeda has every intention of following us home.

With that, Mr. Chairman, I look forward to hearing what the witnesses have to say about the NIE key judgments that we face a heightened terrorist risk, what challenges the Intelligence Community faces in collecting against those terrorist threats and what they are doing to address those challenges and any recommendations they have for Congress to strengthen our intelligence capabilities against a terrorist threat.

With that, I yield back the balance of my time. Thank you, Mr. Chairman.

[The prepared statement of Mr. Hoekstra can be found in the Appendix on page 71.]

The CHAIRMAN. I thank the gentlemen.

Before I recognize Secretary Clapper and the other panelists for opening statements, let me offer a few administrative comments, if I may.

Let me first suggest that you make your comments as succinct as possible. Without objection, each of your prepared statements will be placed in the record. Those on the Armed Services Committee are used to my comments staying in 25 words or less. You can say it in a few more words than that, but do your best to condense your comments because there will be a good number of questions.

Let remind everyone we are in open session. We should refrain from any discussion of classified information. A closed briefing will be held immediately after this session, and members should proceed to room 2216. I remind everyone that classified matters can be discussed in the follow-on meeting, not here before us today.

Also, given the large size of the gathering, we intend to strictly adhere to the five-minute rule and recognize those present at the time of the gavel according to the seniority and alternate between the majority and the minority in the respective committee memberships.

Members arriving after the gavel with be recognized in accordance with the order of the arrival, again, alternating from majority to minority.

Ladies and gentlemen, 5 minutes means 5 minutes, not 5 minutes and 15 seconds, because we really need to get as many in as we can.

With that, Secretary Clapper, we appreciate you being with us today, and each of you. The floor is yours, General.

STATEMENT OF HON. JAMES R. CLAPPER, JR., UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE; ACCOMPANIED BY MARY BETH LONG, ACTING ASSISTANT SECRETARY OF DEFENSE FOR INTERNATIONAL SECURITY AFFAIRS; PETER F. VERGA, ACTING ASSISTANT SECRETARY OF DEFENSE FOR HOMELAND DEFENSE; MICHAEL E. LEITER, PRINCIPAL DEPUTY DIRECTOR OF THE NATIONAL COUNTERTERRORISM CENTER AND DIRECTOR OF THE INTERAGENCY TASK FORCE ON HOMELAND THREATS, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE; AND EDWARD GISTARO, NATIONAL INTELLIGENCE OFFICER FOR TRANSNATIONAL THREATS, OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

STATEMENT OF HON. JAMES R. CLAPPER, JR.

Secretary CLAPPER. Thank you, Chairman Skelton, Chairman Reyes, Congressman Hunter, Congressman Hoekstra, and distinguished members of the committees.

First, let me thank you both or thank you all for your strong support for the Department of Defense and for the Intelligence Community and for conducting this unique two-committee hearing, which is symbolic of the confluence of the Department of Defense and the Intelligence Community.

We are here, as you indicated, this afternoon to discuss the implications of the recent National Intelligence Estimate on the terrorist threat to the homeland. A couple of introductory comments.

As I said in my confirmation hearing in March, as Under Secretary of Defense for Intelligence, I am not in the business of doing analysis or producing intelligence, so I am not going to produce any new intelligence here today.

Second, I am supported by subject matter experts whom I would like to introduce from the Department of Defense: Mr. Peter Verga to my immediate left, the Acting Assistant Secretary for Homeland Defense; and, to his left, Ms. Mary Beth Long, Acting Assistant Secretary of Defense for International Security Affairs. To my right, from the Office of the Director of National Intelligence, Mr. Mike Leiter, who is the Deputy Director of the National Counterterrorism Center and the Director of the Interagency Task Force on Homeland Threats; and, to his right, Mr. Edward Gistaro, National Intelligence Office for Transnational Threats and a principal author of this National Intelligence Estimate.

Six years after September 11th, 2001, we have not suffered a successful attack on our homeland. This is not for lack of will on the part of our enemy. Al Qaeda and al Qaeda extremists have carried out terrorist attacks in more than two dozen nations since 9/11. Al Qaeda has and will continue to attempt visually dramatic mass casualty attacks here at home; and they will continue to attempt to acquire chemical, biological, radiological and nuclear materials. And if they are successful in obtaining these materials, we believe they would use them.

As the NIE makes clear, we face a resilient and resourceful enemy that will make every effort to protect and regenerate key elements of its capability to attack us and others.

Allow me to make three points about this NIE and what it means for our current security environment. The findings of this estimate are not a surprise. We are at work with an enemy not confined in national boundaries or a single ethnic group. Our fight against extremists in Iraq, Afghanistan and around the world has kept our Nation safe from attacks here at home.

This war, like all wars, is not an engineering project. The task and challenges cannot be laid out ahead of time and accomplished according to a predetermined schedule. As the troops say, the enemy gets a vote. We must and will continue to transform and adjust and respond accordingly.

The NIE makes it clear that our operations in Iraq are not distinct from the war on terror. To quote what I consider a most salient point in the NIE, al Qaeda will probably seek to leverage the contact and capabilities of al Qaeda in Iraq, its most visible and capable affiliate.

Mr. Chairman and members of the committees, thank you for your attention. We look forward to your questions, and I appreciate your willingness to accept our statements for the record.

[The prepared statement of Secretary Clapper can be found in the Appendix on page 78.]

Secretary CLAPPER. I believe Mr. Gistaro has an opening statement as well. Mr. Chairman, if I may defer to Mr. Gistaro.

The CHAIRMAN. Mr. Gistaro, I suppose after you give your testimony—to whom do we go next, General?

Secretary CLAPPER. That is, I believe, it. There are two opening statements, myself and Mr. Gistaro.

The CHAIRMAN. Fine. Mr. Gistaro, please.

STATEMENT OF EDWARD GISTARO

Mr. GISTARO. Mr. Chairman, members of the committee, thank you very much for having us here today. I will be very brief, since the unclassified key judgments have been submitted to the record.

[The information referred to can be found in the Appendix on page 103.]

I think one important thing for the committee to understand is this is an estimate that couldn't have been written several years ago. It is because of congressional reforms, it is because of the DNI, it is because of the Intelligence Reform Act, it is because of the Weapons of Mass Destruction (WMD) Commission findings that we were able to have a brand new community participate and produce this estimate.

Certainly we have the traditional members of the Intelligence Community fully involved—Central Intelligence Agency (CIA), Defense Intelligence Agency (DIA), the National Security Administration (NSA), National Geospatial Intelligence Agency (NGA) and others. I think what was new were our new partners in the community—National Counterterrorism Center (NCTC), Department of Homeland Security (DHS) and the Federal Bureau of Investigation (FBI). I think it is very important to note that they were full participants from the beginning in the production of this estimate and particularly when we are dealing with threats to the U.S. homeland, threats from homegrown terrorist groups and threats from single-issue terrorist groups that the FBI follows very closely. It

was their input that made this estimate possible. I think for that point it is very important for the Intelligence Community that this paper was produced and we were able to produce it as a new, broader community.

I will not go into the key judgments at this time, sir, since they are part of the record and out of respect for the committee's time. Thank you.

[The joint prepared statement of Mr. Gistaro and Mr. Leiter can be found in the Appendix on page 94.]

The CHAIRMAN. As I understand it, General, Mr. Leiter, Mary Beth Long, Mr. Verga do not have opening statements.

Ms. LONG. That is correct.

Secretary CLAPPER. That is correct.

The CHAIRMAN. Then if those are the prepared opening statements, I will resume mine and call upon the chairman of the Intelligence Committee, Mr. Reyes.

Mr. REYES. Thank you, Mr. Chairman.

First, a couple of points that I think are very important. We have learned many things post–9/11, one of which has been that, as we give our military and law enforcement agencies every conceivable tool that we can in order to protect us, we also have to be mindful that we don't want to have the terrorists succeed by compromising the rights of our American citizens. I think that is a basic and fundamental responsibility of the Congress.

I say that because when we provided the legislation, the PATRIOT Act, we provided some key tools that now we have found have been used inappropriately. One example was the national security letters that were utilized by the FBI.

I think it is important that we do our business in a very careful and orchestrated, regular way; and I think it is vitally important that all of us understand that, in terms of addressing whatever changes need to be made under the Foreign Intelligence Surveillance Act, as my ranking member mentioned, we want to do that. We want to give and make the adjustments that are necessary, but we also want to be careful doing that.

So, over the course of the last month, month and a half, we have been having hearings to address that very issue. We have been trying to understand exactly what issues and what problems those that have had to work with FISA have had to address as they went about their business. At some point in the fall, we will look at whatever legislative fixes need to be made.

A lot I think depends on information that you give us about the threat, and certainly the NIE is one issue that we want to be very careful in evaluating. But I also think that we don't want to be stampeded to make changes that ultimately we may have to change because we didn't do it carefully and in a regular way.

So we are addressing those kinds of issues. We don't want to do something that is not carefully thought out.

In that vein, there are some options that we are looking at to be able to perhaps give the Director of National Intelligence the flexibility to do the kinds of things that he has told us are necessary. So we are not just sitting on our hands. We are working very quickly and very importantly in a structured way to get to that.

But I guess one of the fundamental questions that I would like the panelists to address is the following. It is two parts. I want to know if the war in Iraq has made Iraq a more hospitable situation for al Qaeda than it was before the U.S. invasion, number one. Number two, is al Qaeda using our presence in Iraq to help recruit terrorists around the world? And what specifically is al Qaeda doing, as you pointed out in the NIE, to be a concern to us in the way that it is gathering strength? Answer that question with three parts.

Mr. GISTARO. Yes, sir.

With regard to the second part first, sir, the Community sees three different ways that Iraq impacts the threats to the U.S. homeland.

First, al Qaeda in Iraq (AQI) is the only affiliate of al Qaeda that has stated its intention to attack the U.S. homeland. That is number one.

Number two, we are concerned that the al Qaeda core in Pakistan might be able to leverage some of the capability of al Qaeda in Iraq for its own plotting against the U.S. homeland.

Third, sir, as you pointed out, al Qaeda in Pakistan, Afghanistan has made the conflict in Iraq a central point in its own propaganda; and it has used the conflict there to raise resources, recruit and to energize the broader extremist community to focus on attacks against western interests, U.S. interests and the U.S. homeland.

With regard to your first point, sir, as the President spoke yesterday, Zawahiri pledges allegiance to bin Laden in 2004. We certainly see very close ideological ties between al Qaeda in Iraq and al Qaeda core. We see shared experiences and personal histories between the leaderships in the organizations, and we see some overlapping of certain facilitation networks.

Al Qaeda in Pakistan tries to provide strategic guidance and encouragement to AQI, but it also defers to AQI to make tactical decisions on the ground with regard to its operations inside of Iraq.

The CHAIRMAN. Thank you, Mr. Chairman.

Mr. Hunter, please.

Mr. HUNTER. Thank you, Mr. Chairman.

Gentlemen, you have made clear in your statements that al Qaeda wants to attack America. I guess my first question would be, is there compelling evidence for the securing of the southern border of the United States against that backdrop? I am talking about the 2,000-mile southern border.

Mr. LEITER. Congressman, there is no doubt that al Qaeda has an expressed interest in penetrating U.S. homeland defenses either through legitimate or illegitimate means. In that regard, the southern border clearly poses a challenge for the U.S. Government to secure the entire homeland.

Mr. HUNTER. Second, you have made a point also that al Qaeda has established what we denied them in Afghanistan in the initial campaign, which is safe haven. And it was done initially after the Pakistan forces made a deal with tribal leadership and in that narrow strip of land, the Waziristan area, to the effect that they would pull out Pakistan forces in return for vague assurances that the tribes would not work with and would "distance" themselves from al Qaeda, as vague as that sounds.

In recent times, the Pakistan government has reacted, now has sent in some military forces. There has been some contact and some confrontation. Give me your view on whether the Pakistan reaction is adequate, whether it is working, whether it is working to deny safe haven and to scrub that area or whether it is simply a symbolic reaction, a ceremonial reaction.

Mr. GISTARO. Sir, at this point, let me make two points. In the estimate, we talk about the global counterterrorism efforts that have been very effective over the last five years. I think we have to give a tremendous amount of credit to Pakistan, which has been a critical ally in this fight. President Musharraf has faced at least three assassination attempts personally because of his assistance to us.

Some of the most critical arrests that have occurred of senior al Qaeda members have occurred in Pakistan by the Pakistanis. As you noted, sir, they have lost hundreds of their soldiers and police in this fight. We have to give them credit for that.

I think al Qaeda is now in a part of Pakistan that is largely inaccessible to Pakistani forces. The Pakistani government always has been and it is a difficult operating environment for them.

I think the efforts that you refer to, sir, are only in the first week or so of implementation; and so at this point it is much too early to try to provide an assessment of the impact of these latest Pakistani moves on the safe haven in the Federally Administered Tribal Areas (FATA).

Mr. HUNTER. Why do you say they are inaccessible?

Mr. GISTARO. I think there are a number of different reasons. The topography is very hostile, very barren. I think the population that does exist there has always been outside the control of Islamabad and is sympathetic to al Qaeda both in terms of its religious ideology as well as their tribal traditions of hospitality to outsiders. It is a very difficult environment for outside forces to operate in.

Mr. HUNTER. I understand it is difficult, but it is not inaccessible. The 10th Mountain Division soldiers have gone up to 10 and 12,000 elevations in Afghanistan and carried the fight to the enemy. Has the Pakistan government indicated that they are not going to try to penetrate these areas at all, or are they trying to penetrate them?

Mr. GISTARO. Sir, we are rapidly getting outside my area of expertise.

Mr. HUNTER. I will pursue that later. Let me just ask one last question.

Clearly, al Qaeda has now been involved in high-visibility bombings of civilian populations in Iraq that have been spread across not only American television, international television, but television in the Arab world. Has that diminished the popularity of al Qaeda, the bombings of civilians? In newscasts which identify the bombings as being attributed to al Qaeda, has that diminished their popularity in the general Muslim community worldwide? What is your take on that?

Mr. GISTARO. Sir, to the extent that we can measure how those attacks are broadcast on Arab television and such, I don't think we have detected an increase in the criticism of AQI. But what I would

like to do, sir, is take that question for the record and get you a more authoritative answer.

Mr. HUNTER. Thanks.

[The information referred to can be found in the Appendix on page 113.]

Mr. HUNTER. Thanks, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Hunter.

Mr. Hoekstra.

Mr. HOEKSTRA. Thank you, Mr. Chairman.

I think, as the panel has stated, AQ in Iraq has become affiliated with AQ core or al Qaeda, as we historically know it, is that correct?

Mr. GISTARO. Yes, sir.

Mr. HOEKSTRA. Operating then with bases in Pakistan, Afghanistan, in Iraq?

Mr. GISTARO. I am sorry?

Mr. HOEKSTRA. Having bases or located in Pakistan, Afghanistan and in Iraq?

Mr. GISTARO. Yes, sir.

Mr. HOEKSTRA. And that—probably attempting to communicate on a regular basis between those locations to share strategy and direction.

Mr. GISTARO. Yes, sir. But I think, because of U.S. and allied efforts in both the south Asia theater and in Iraq, that ability to communicate at times is quite difficult.

Mr. HOEKSTRA. That at some times we may have disrupted it.

We also have established that they pretty much have a similar series of objectives, which is to be successful in Iraq, destabilize the region, eliminate the State of Israel, attack the West and establish the Caliphate, is that correct?

Mr. GISTARO. Yes, sir.

Mr. HOEKSTRA. They have set it in different orders at different places. They share the objective of attacking the United States and the West.

Mr. GISTARO. Yes, sir.

Mr. HOEKSTRA. And it is possible that as they are communicating, or trying to communicate, they might—is it reasonable to assume that they might try to share information about the type of training that might be necessary to attack the U.S.?

Mr. GISTARO. Yes, sir. I think a lot of that destructive expertise is made public on the Internet.

Mr. HOEKSTRA. It may also be appropriate they will try to talk about how they may finance an attack against the West or the United States?

Mr. GISTARO. I have not seen evidence of that, sir.

Mr. HOEKSTRA. If they are going to plan on attacking the United States, wouldn't we expect they would be talking about how they would finance an effort like that?

Mr. GISTARO. That is entirely possible, sir.

Mr. HOEKSTRA. Wouldn't they also have to talk about who would carry out an attack like that?

Mr. GISTARO. That is also possible, sir.

Mr. HOEKSTRA. What the target would be.

Mr. GISTARO. Possibly.

Mr. HOEKSTRA. Methods.

Mr. GISTARO. Yes, sir.

Mr. HOEKSTRA. The timing.

Mr. GISTARO. Possibly.

Mr. HOEKSTRA. I mean, isn't that the kind of information that you as an Intelligence Community are trying to get from al Qaeda? If you believe that they are going to attack the United States, that you are trying to figure out where are they training for this, how are they financing it, who is going to do it, what the methods are, what the timing would be?

Mr. GISTARO. Yes, sir.

Mr. HOEKSTRA. And a lot of that communication would be happening in the areas where they are located, which would be the ungoverned areas in Pakistan and what AQ in Iraq is doing.

Mr. GISTARO. I think that is a possibility, sir, but, again, we do not see that.

Mr. HOEKSTRA. You do not see that. Is perhaps part of the reason we don't see that is that is the kind of information that the Director of the DNI is talking about when he says that we are missing significant parts of information?

Mr. GISTARO. Sir, I think as a Community, and certainly as reflected in the estimate, we take very seriously our own intelligence gaps and what we do not know.

Mr. HOEKSTRA. Again, it is not the primary focus, but this is just pointing out and highlighting this kind of information as to the financing, the participants. This information that we are trying to get when foreign terrorists are communicating in foreign locations, that is the kind of information that we need to get and that we are significantly blind to, at least as Director McConnell has identified it.

I hope again that this is an issue that we address before we recess and go on break in August.

With that, I will yield back the balance of my time. Thank you, Mr. Chairman.

The CHAIRMAN. Thank the gentlemen.

According to my information sheet here, going down the list of those who were here when the gavel went down, Mr. Cramer from Alabama, five minutes.

Mr. CRAMER. Thank you, Mr. Chairman. I thank all the chairmen and ranking members, witnesses for this opportunity today, as tough as it is in this open hearing, to address issues that are at this level of sensitivity.

Based on what I have heard so far, are you saying that al Qaeda and al Qaeda in Iraq are one and the same organization?

Mr. GISTARO. The way the relationship is described in the NIE is al Qaeda in Iraq is an affiliate organization to al Qaeda in south Asia.

Mr. CRAMER. Let me help you with that. Then the answer to that is, yes, they are basically one and the same organization?

Mr. GISTARO. Sir, as the President described yesterday, we are dealing with al Qaeda that has a decentralized command and control structure; and I don't want to leave a false impression that we are talking about a monolithic organization.

Mr. CRAMER. So if, as the NIE reflects, we are concerned about a threat to the homeland here, who calls that shot from al Qaeda?

Mr. GISTARO. The primary concern is al Qaeda in south Asia organizing its own plots against the United States. What we are concerned about is that AQI, as the most visible and capable affiliate of al Qaeda, has also expressed an interest in attacking inside the United States.

Mr. CRAMER. What kind of presence did al Qaeda have in Iraq in 2003?

Mr. GISTARO. Sir, by 2003, Zarqawi had established his presence inside the country; by 2004, he was pledging his loyalty to bin Laden.

Mr. CRAMER. Can you measure or compare their presence in 2003 versus their presence in Iraq today?

Mr. GISTARO. Sir, beyond the top leadership, I think that is a question we would either have to answer in closed session——

Mr. CRAMER. All right. Then I will defer that to the closed session.

In the NIE, it states that the threat from al Qaeda is through greater cooperation with regional terrorist groups. What are those regional terrorist groups?

Mr. GISTARO. Sir, in addition to AQI, we are very concerned about the Sunni jihadist groups in north Africa, formally known as the GSPC (Groupe Salafiste pour la Prédication et le Combat), now again pledging loyalty to al Qaeda and renaming themselves al Qaeda in the Maghreb.

Mr. CRAMER. And to what extent is al Qaeda capable of placing operatives in the United States? Or, in your opinion, do they have operatives already in the United States; and, if so, in what number? Generally speaking.

Mr. GISTARO. Sir, we do not see and the FBI does not see al Qaeda figures here inside the United States with links back to the senior leadership at this time. What the NIE talks about is our concern that we see increased efforts on the part of al Qaeda to try and find, train and deploy people who could get into this country.

Mr. CRAMER. And then—"why" questions are always tough—why haven't we eliminated the threat in al Qaeda leadership in Pakistan?

Mr. GISTARO. Sir, as we talk about in the paper, I think the critical variable here is safe haven and being able to find a physical space in what is essentially the wild west of the tribal areas of Pakistan with which to rebuild capabilities.

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

The CHAIRMAN. Thank the gentleman.

The gentleman from New Jersey, Jim Saxton.

Mr. SAXTON. Thank you, Mr. Chairman.

Secretary Clapper, please feel free to refer this question to whoever on the panel may be the most appropriate to answer it, or yourself.

In 2006, it appeared from here that al Qaeda pretty much had their run and could go wherever they wanted, do whatever they wanted pretty much in Iraq, with the exception of where our Special Forces and others got in their way. More recently, we have seen press reports and other reports that in the al Anbar Province

the tribal leaders turned against al Qaeda and essentially banished them from that province. More recently, we have seen evidence that the same thing is happening in the Province of Babil, of Diyala, of Salah ad Din, of Ninawa and in Baghdad itself.

Would you give us an update on that or please have somebody tell us what you know about that.

Secretary CLAPPER. Sir, I read the same reporting; and I think this is in large measure a case of the enemy of my enemy is my friend. I think this is a case of increasing disenchantment with AQI on the part of many people in Iraq. So that is a trend that appears to be emerging.

Mr. SAXTON. What does that mean to us from the standpoint of our involvement in the conflict in Iraq?

Secretary CLAPPER. Well, I think it reflects the effect of our sustaining the attacks on the offensive against AQI; and, more specifically, I think it is a reflection of the effectiveness of the surge.

We all look forward to the report that General Petraeus and Ambassador Crocker are expected to render in September about what the significance of these indications mean.

Mr. SAXTON. Do you think that part of it may be that the tribal leaders and those fathers and mothers in the tribe are observing what it is that al Qaeda is about and have decided they don't want it for their children?

Secretary CLAPPER. Sir, that is certainly possible. I don't purport to be the expert on what the dynamics are, but I would think that sort of thing certainly plays out in their minds.

Mr. SAXTON. Thank you.

Let me ask another question. I happen to represent the town in New Jersey, Cherry Hill, where the Fort Dix—the group that became known as the Fort Dix Six were arrested. The indictment against them said that they were inspired by al Qaeda, and I am wondering what that means to us exactly and also what role the Internet play in bringing groups like that together and providing training opportunities for them and also if we know whether groups such as the Fort Dix Six have direct contact of any kind with al Qaeda members outside the country.

Mr. LEITER. Congressman, certainly the Fort Dix Six represent something which is becoming an increasing concern for us over the past several years and that is radicalized, violent extremists within the United States who are, as you said, inspired by al Qaeda. It is something that both the Department of Homeland Security and the FBI and the National Counterterrorism Center focus much of our attention on.

We have not—as I believe Mr. Gistaro mentioned, we have not received any communication between those individuals and senior al Qaeda leadership. That is certainly something that we fear, but it is not something that we have seen.

With respect to the use of the Internet and the value of the Internet, undoubtedly al Qaeda and other violent extremist groups have come to use the Internet quite effectively both for communication, direct person-to-person e-mail, also for radicalization through Web sites, as well as propagating information about how to build and use certain weapons.

Mr. SAXTON. Have you any evidence that there are other groups that are of similar nature that currently exist in the states?

Mr. LEITER. Congressman, I think for both intelligence and law enforcement reasons it would be inappropriate for me to comment in the open session, but we would be happy to talk to you in closed session.

Mr. SAXTON. Thank you very much.

The CHAIRMAN. Thank you very much.

Mr. Smith from the State of Washington.

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

A couple of questions I want to focus on, al Qaeda's strength in Iraq and then the best way for us to policy and different ways to get at them in their safe haven in the FATA region of Pakistan.

Focusing on the strength in Iraq piece, we have heard a lot about how a lot of the local Iraqis have turned on al Qaeda, and I think Mr. Saxton points out a lot of good reasons for that. What is our assessment now of their relative strength with the Iraqi population? Certainly they have the ability to commit terrorist acts. Do they still have some number of Iraqis who are sympathetic with them actively working with them?

I know at one time they had very sophisticated in some towns sort of almost their own little government structures set up in different towns and different places. Does that still exist in some places? Do they still have the Iraqi support? Or have they descended down to the point where primarily their strength is simply the foreign fighters coming across the borders giving them the strength to make attacks?

If you can assess what their strength with the population is. I ask that because a safe haven requires some support from the local population.

And juxtaposing that with the situation with Pakistan where they seem to have that support from the local population, how should we go about upending that support? The local tribal leaders have clearly given safe haven in the FATA to elements of al Qaeda. What is our best way to work with Pakistan to uproot them?

I have a bias there; and that bias is I don't think threatening Pakistan and saying you have to do more, you have to do more is the best way to do that. We need to show Pakistan we are a long-term partner. By and large, I think the Bush Administration has done that. I want to make sure that we don't change course.

If you could hit those two areas, whoever you think it best to answer it, I would appreciate it.

Secretary CLAPPER. Let me take a stab at it, and I will defer to others.

I think, as Mr. Gistaro indicated, we have to give Pakistan credit for what they attempted to do. With respect to the FATA, President Musharraf has embarked on a longer-term program of social improvement, economic improvement in the ungoverned areas, but this will only have payoff on a long term, certainly probably beyond the timeframe of the NIE, which was three years.

Mr. SMITH. Is there hope, in your opinion, for getting the tribal leaders to sort of turn on al Qaeda in a similar way they did in al Anbar in the FATA?

Secretary CLAPPER. I don't think we should have great expectation of this, given the tribal dynamics in the FATA. But as well, though, I think we would be remiss, as the Pakistani government would be remiss, without attempting to make some positive changes in the quality of life, if you will, of the tribes in that area. However, there are deep-seated, long, historical dynamics that I think are going to make that a challenge.

As well, I think we have also attempted to provide assistance to the Pakistani government, the Frontier Corps and their ability to observe improvement in intelligence surveillance reconnaissance, sharing actionable intelligence with the Pakistanis, providing equipment, helicopters, night vision goggles and the like to help them better observe what is going on and take appropriate action.

This is going to be a long-haul process, not something that is going to occur, certainly I don't think a demonstrable change within the three-year timeframe of the NIE.

Any other comments?

Mr. SMITH. If you could hit the Iraq piece, because my time is limited. I agree with you, and I think we need to make that long-term commitment to Pakistan as a matter of policy, we in Congress as well as the Administration.

If you could hit the Iraq piece, al Qaeda's strength there.

Mr. GISTARO. Sir, estimates vary within the Intelligence Community as to the size of AQI. I think it is safe to say most would agree there are several thousand members in the organization. Ninety percent of those members, those foot soldiers are going to be Iraqis, we believe.

In terms of the motivation for people joining, it differs I think based on what part of the country. If you are in a mixed area, AQI's argument that you have to join up to protect your Sunni brothers and sisters from the Shi'a is a more compelling argument. If you are in a place like al Anbar, I think they probably try to use the religious argument.

Mr. SMITH. They are not having a lot of success right now.

Mr. GISTARO. No, sir, especially in a place like Anbar. I think people have decided that that harsh, coercive form of Islam is not what they want to live under.

Mr. SMITH. The big judgment—and I know al Qaeda wants to control Iraq. A year ago they stated that they did, even though they didn't. So there is no question that is their ambition. Isn't it highly unlikely, given the situation with the Shi'a, the Kurds, the way the Sunnis feel about them, that al Qaeda would have the local support necessary to get any meaningful control of Iraq?

Mr. GISTARO. Sir, I think if you go back to the Iraq estimate of January of this year, it talks about not taking over the country per se but pockets within Iraq that they might be able to exploit.

Mr. SMITH. Thank you, Mr. Chairman.

The CHAIRMAN. Thank the gentlemen.

The gentleman from New York, John McHugh.

Mr. MCHUGH. Thank you, Mr. Chairman. Thank you, gentlemen and good lady, thank you for being here.

Mr. Secretary, you probably heard the opening reference by the distinguished chairman of the Intelligence Committee about the 2006 NIE. I just happen to have a copy of it. It speaks about Iraq

being a recruiting tool cause celebre, in the terminology of the NIE. Do you recall that document from memory? I know this is not precisely on point of our topic today.

Mr. GISTARO. Yes, sir.

Mr. MCHUGH. Let me put it a different way. You would agree that it is the assessment of the Intelligence Committee or Intelligence Community that Iraq is serving as a recruiting mechanism for al Qaeda in Iraq?

Mr. GISTARO. Yes, sir.

Mr. MCHUGH. I think that it is interesting in 2006 the document then went on to say, "Should jihadists leaving Iraq perceive themselves and be perceived to have failed, we judge fewer fighters would be inspired to carry on the fight."

Does that mean the way to beat their recruiting is to beat them? Is that what it was saying?

Mr. GISTARO. Sir, as I read that key judgment, I think it is more focused on the people who are actually inside of Iraq right now fighting us.

Mr. MCHUGH. Let me ask it a different way.

What kind of recruiting tool for al Qaeda, in general, at large would an American defeat in Iraq serve?

Mr. GISTARO. Sir, I think the two estimates do make the judgment that if al Qaeda perceives a victory in Iraq, that that will embolden them, and they will use that for their own purposes to generate resources and enthusiasm for their cause.

Mr. MCHUGH. As you pursue in the multiheaded hydra of Iraq—and let us agree that they are not all the same, yet they are creating affiliations—do you think Iraq and Afghanistan is an either/or situation, or do you think we ought to be focusing on potential success in both?

Secretary CLAPPER. Well, I think we should—this is a global—it is a global campaign, and so I don't think it is zero sum or either/or. It is both.

Mr. MCHUGH. So when some suggest that, you know, we are diverting resources away from Afghanistan, away from the mathematical judgments that may assume, you would agree, perhaps, that our actions in Iraq are indeed important in the war against al Qaeda?

Secretary CLAPPER. Yeah. Absolutely, yes, sir.

Mr. MCHUGH. I thank you.

I was interested in the line of questioning that the distinguished Ranking Member of the Intelligence Committee had, where I believe it was correctly stated that you don't have any indication, no sources, no information that these groups are having contact in the United States. It seemed to be a total lack of threat, is that—or certainly lack of information as to your ability to assess the threat.

Mr. LEITER. Congressman, what I would say is we have strategic warnings of al Qaeda's intent to strike either Western Europe or the homeland. We continue to look at various individuals throughout the world to try and determine their links to al Qaeda or other al Qaeda affiliates.

Mr. MCHUGH. So, thus, the reason for the heightened threat level in the United States, even though we don't have any specific threat against the homeland; am I correct in that?

Mr. LEITER. Correct.

Mr. MCHUGH. I would also say—thank you, gentlemen.

I would also say that I certainly, from my perspective on both this committee, the Armed Services Committee, and the Intelligence Committee, I think that Mr. Hoekstra's opening comments about concerns with respect to the adaptability and the efficiency and effectiveness of FISA, as we know how it operates and how it is not operating, now to demand our immediate attention, not in the fall but now.

I share the Chairman's and others' concerns very deeply that we have to have a balanced approach in how we authorize our intelligence services. If the cost of defeating the terrorists is the loss of our basic pillars of freedom, then it is a pretty hollow victory.

But there are things about FISA that I think we have learned very clearly—and I hope we get a chance to talk a bit about this more in the closed session. That is, not bringing into question American citizens' rights that totally involve the ability to find out what foreign terrorists and foreign places are saying, doing, thinking, and threatening to do against the United States, and we ought to be acting now.

I thank you, Mr. Chairman.

The CHAIRMAN. Thank the gentleman. His time has expired.

The gentleman from California, Mr. Thompson.

Mr. THOMPSON. Thank you, Mr. Chairman. Thank you for holding this hearing.

In May of 2003, President Bush said that al Qaeda is on the run, that the group of terrorists who attacked our country is slowly but surely being decimated, and right now about all of the top al Qaeda operatives are either jailed or dead. In either case, they are not a problem anymore.

In the 2006 NIE, you said that we had seriously damaged the leadership of al Qaeda and disrupted its operations.

And now today in the 2007 NIE you say that al Qaeda has rebuilt its capabilities and that they are in a safe haven and they are doing well.

What happened? How do we lose this ground? How do we go from on the run in 2003, to today, where al Qaeda is rested, training, and successfully recruiting new al Qaeda members?

Mr. GISTARO. Sir, with regard to the two National Intelligence Estimates, if you take the 2006 estimates, I think the next sentence in that key judgment says that al Qaeda will remain the greatest terrorist threat to the U.S. interest and U.S. homeland in 2006.

Mr. THOMPSON. I understand that. But we went from a well-stated position where we are gaining the upper hand, to a position now where they are in a safe haven, they have increased their training, they have increased their recruiting. They are gaining great success, and we should be very concerned about that. What happened?

Mr. GISTARO. I think the key development there is they were able to relocate their leadership node to an area where it was much more difficult to get at them.

Mr. THOMPSON. This is the Federal Administrative Tribal Areas?

Mr. GISTARO. Yes, sir.

Mr. THOMPSON. What happened? We took our eye off of them? We allowed them to reoperate, regroup and replenish?

Mr. GISTARO. Sir, I think an alternative way to look at that is we took away the safe haven in Afghanistan. They went to urban areas in Pakistan. Working with the Pakistanis, we pushed them out of the urban areas of Pakistan.

Mr. THOMPSON. Was Osama bin Laden and al Qaeda in Iraq when we went into Iraq?

Mr. GISTARO. No, sir.

Mr. THOMPSON. Where did we take the safe haven away from them?

Mr. GISTARO. Afghanistan, the urban areas of Pakistan. We pushed them out of the urban areas of Pakistan to South Waziristan. And then in about March of 2004, the Pakistanis went in and pushed them out of South Waziristan. They relocated to North Waziristan and other places in the Pak/Afghani area. Much more difficult for the Pakistanis to find them and do something about it.

They used that safe haven to regenerate the operational leadership that is involved in developing and executing external operation.

Then we also saw cases that the top leadership was able to exploit that comfort zone in the tribal areas to exert a little more influence on the organization. And then the fourth component is we see their operational tempo of bringing people in to train for Western operations picking up.

Mr. THOMPSON. As I recall, Secretary Rumsfeld had called off a raid on senior al Qaeda members in that Pakistan area because he thought it was going to create a—or stated that it was going to create a rift between our allies and Pakistan and our country.

Were those press reports correct?

Secretary CLAPPER. Sir, we looked at that and actually did not pin that down to a specific case in point. Operations are planned and occasionally called off for a variety of reasons. They are reviewed, you know, at subsequent levels. So I don't know about the specific case. It could well have happened.

Mr. THOMPSON. Can you comment on our relationship with our Pakistani allies today and whether or not Musharraf is doing all that he could do to let us operate in, and his forces also operating in the Federal Administrative Tribal Area, to go after these safe havens?

Secretary CLAPPER. Well, if the criterion is the Pakistani government doing 100 percent of what we might like, probably not. I do think, though——

Mr. THOMPSON. In your judgment, are they doing all that should be done in order to ferret out these safe havens?

Secretary CLAPPER. I think they are doing what they can, given the constraints that were—that Mr. Gistaro previously outlined with the dynamics, et cetera——

Mr. THOMPSON. I hate to interrupt.

Can we count on these safe havens continuing to be safe for quite some time to come?

Secretary CLAPPER. No, sir. I think our objective will be to neutralize, not eliminate but certainly make this safe haven, as we have the others, less safe and less appealing for AQ.

Mr. REYES [presiding]. Thank you.

Mr. Thornberry.

Mr. THORNBERRY. Thank you, Mr. Chairman.

Mr. Gistaro, what is the date that the NIE was issued?

Mr. GISTARO. Sir, I believe it was last Tuesday.

Mr. THORNBERRY. So the key judgment that we are under a heightened threat is applicable for last Tuesday?

Mr. GISTARO. Yes, sir.

Mr. THORNBERRY. It is not a heightened level of threat for this fall? It is a heightened level of threat now.

Mr. GISTARO. Sir, I think what we said was because of al Qaeda's undiminished intent to attack us here, because we see the regenerating capability that we are entering a heightened threat environment for the duration of the three-year time estimate on the paper.

Mr. THORNBERRY. So that heightened threat level will continue until you tell us different, I guess, or you have other facts, something else happens that in some way reduces that threat?

Mr. LEITER. If I may, I want to draw a slight distinction between the National Intelligence Estimate and the daily counterterrorism intelligence that we process.

In that regard, we do think we are in a heightened threat of strategic warning right now. And whether or not the three-year period stays the same, we have a separate and distinct heightened concern now.

Mr. THORNBERRY. Okay. Thank you.

Mr. Gistaro, I want to ask about one other thing. In the public key judgments of the NIE, it seems to me you put a lot of emphasis on evolving threat, adaptable enemy; they are watching what we do and they change accordingly.

Seems to me in that situation, information is more critical for us than ever about who is doing what and what methods they are looking at and that sort of thing; would you agree?

Mr. GISTARO. Yes, sir.

Mr. THORNBERRY. I am interested. In the opening statements, a couple of times it was mentioned that the al Qaeda threat emanates from the Pak/Afghan border. And you just had a number of questions about the safe haven that they have been allowed to establish again.

But a number of authors and scholars would say that we are putting too much emphasis in some ways on a physical location. As a matter of fact, somebody I heard recently said al Qaeda has an ideology that has become a movement.

And I would like for either of the two of you to address that.

If we were to wipe out every al Qaeda person in the Pakistan and Afghanistan area, does that mean we can start carrying shampoo onto airplanes again? Does that mean we don't have to screen all cargo, which apparently is in a bill that we are about to vote on?

Talk to me about safe havens, and if we knock out number one and number two, does that mean we don't have to worry anymore?

Mr. GISTARO. Sir, I think all of the things you just listed would definitely have an impact on the threat that we face. I think it is important to know that later in the key judgments, we really do talk about and focus on that globalization and technology developments mean that people are able to become alienated, find others who share their alienation, become more radicalized, group together and find destructive expertise, without ever having gone to a training camp or put themselves in contact with a terrorist leader.

The homegrown terrorist threat, I think that is much more enduring.

Mr. THORNBERRY. Mr. Leiter, that is where I want to go because the thing that has concerned me the most—I think the military folks are doing a good job. We are doing, with some exceptions in intelligence, we are doing okay. But I worry about a national strategy to combat the ideology. NCTC has that tasking to develop a national strategy that goes across military and—but combating a movement, an ideology that has become a movement, is not something we do very well. Can you reassure me that we are doing better than it looks like we are?

Mr. LEITER. I absolutely agree. Ideology, you can take everyone out of the FATA but the ideology will live on to some extent. The national implementation plan the President signed and approved in June 2006 sets forth four strategic objectives. One of those four is winning the war of ideas. And that plan is a blueprint for the entire U.S. Government. And it is not just the people sitting up here. It is the State Department, Department of Homeland Security, it is all of the departments that deal with the quote/unquote, "war of ideas." And I think that plan, which has now been in place for about a year, we have seen some progress. For example, the creation of a counterterrorism messaging center within the State Department under Secretary Karen Hughes.

These are initial steps.

There is no doubt that when we call this a long war, it is because ideology and extremists' views are not reversed overnight, and I believe that we have to attack this and work at this at all levels, the most extreme, and also into the liberal elites of the Muslim world.

Mr. THORNBERRY. I hope we can develop a greater sense of urgency on that as well as the other issues.

Thank you, Mr. Chairman.

Mr. REYES. Thank you, Mr. Thornberry.

Ms. Tauscher.

Ms. TAUSCHER. I think the reason we are at somewhat of a wide variance on importance of what is happening right now is because there is a wide variance of what is happening in the two NIEs. These are documents that are not similar, in my mind, having read both of them. If they had been transposed—for instance, last week was the 2006 document—I would certainly feel a lot better.

The problem is that the 2006 document is kind of like a sleeping pill; take it and you are going to feel better tomorrow. Unfortunately, we woke up and we have the 2007 NIE which set my hair on fire. It is unambiguous about the current threat, and it says to me that we have not been successful in dealing with the threat of al Qaeda, its ability to recruit, its ability to reconstitute itself.

And that something—I am suspicious—that something we have been doing has caused us to not be able to defeat what everyone has agreed for a very long time is our number one enemy: people that really, really want to kill us and are really trying hard to do it.

And I think that if we all kind of agree on where we are right now, if that is true, then we have every reason to be concerned.

What is it that has caused us to not find and kill Osama bin Laden? Because he is hiding in the FATA?

Mr. GISTARO. Ma'am, if I could just address the difference between the two NIEs, I think they are different papers trying to answer different questions.

The 2006 estimate was really looking at the underlying trends driving extremism within the Sunni community worldwide. This paper that we are discussing today is much more tightly focused on intent and capabilities to attack us here. And I think that those different—the different focus of the two papers may explain why we have different language and perceptions. They have radically different——

Ms. TAUSCHER. With all due respect, they seem like they are written by different people, with different methodologies, setting a framework for people to understand.

This is the difference between, gee, I am really worried there may be something happening up the street, you may want to walk faster. That is one set of comments. The other is run, run, run, run for your life. That is the difference between these two documents.

Now, if you are trying to tell me that this is about somebody writing in a different style or that different methodologies were used, I don't really think that is what you mean to have me believe.

Mr. GISTARO. No, ma'am. I think they were trying to answer fundamentally different questions.

Ms. TAUSCHER. Can I make a suggestion? Until the problem changes, until we find and kill Osama bin Laden, that is all I really want from you people is to tell me what the status of al Qaeda is and whether they have, in fact, reconstituted themselves, which is what you tell us they have, that they have refinanced themselves, that they have rested, that they have actually franchised themselves into Iraq and probably other places, all the time while I think many of us thought, and certainly my constituents believed, that we were trying to get them.

Mr. LEITER. If I may, there is a historical event which, to at least some degree I can talk about in open session, which changed this trend, which is the North Waziristan peace agreement. And Pervez Musharraf has noted the agreement that was signed for North Waziristan has not necessarily helped eliminating the safe haven in the FATA. So that was something that was just before the 2006 NIE.

Ms. TAUSCHER. But with all due respect, you have gone through the chronology of 2001 to 2007, where you basically said this is like a balloon; you push here, it bubbles out over there. We have watched them hop, skip, and jump pretty much with freedom and ability to reconstitute from Afghanistan to Pakistan urban areas to South Waziristan to North Waziristan. They can move pretty much

where they want in that whole entire area, and have for the last seven years. And we haven't found them and killed them.

Mr. LEITER. Respectfully, ma'am, some of them have been found and killed, and I would just note that it is not a constant trend either way. We have had ups and downs. The elimination of the Afghan safe haven did diminish capabilities for a period, and they did reconstitute somewhere, and they were chased from the urban areas, and they did reconstitute somewhere.

Ms. TAUSCHER. Well, if I can make a suggestion. I think these NIEs have to be congruent with each other. They have to be side-by-side documents. We have to have a way to look at them and say, this is what you told me the last time and this is where we are going up or down. Simply a little thing like this or a little thing like that can be very helpful.

We can't have this complete divergence as we have had in these two documents, because it causes a tremendous amount of anxiety for the population when they hear about the NIE on divergence, and for those of us who think we are watching this closely, to see such a swing from what our expectations have been—that we have actually decapitated these guys in 2006, and now they are traveling around wherever they want reconstituting, refinancing, and being more robust.

Mr. LEITER. And my last note would be, ma'am, that the NIEs really are snapshots in time so they don't come out all that often.

Ms. TAUSCHER. You better take them from the same camera because the pictures have got to look a little bit familiar.

Mr. LEITER. I would say the stream of intelligence we have seen has tried to provide those regular updates.

Ms. TAUSCHER. I will yield back.

Mr. REYES. Thank you.

Mr. Wilson.

Mr. WILSON. I would like to thank you all for being here today. And I particularly appreciate your sincerity and your concern that indeed we are in a long war. We are in a global war.

I, in reading the national intelligence report, was, like so many people here, so saddened to see the regeneration of al Qaeda and particularly to see that it is coming from the ungoverned tribal areas of Pakistan. I have had the opportunity to visit Pakistan four times. I visited with President Musharraf. It hasn't been stated here today, but he himself, he has been subject to at least four assassination attempts by Lashkar-e-Taiba (LET), affiliated with al Qaeda.

I actually feel like President Musharraf is doing the best and his military is doing the best that they can under the circumstances, and indeed maybe they have learned a tragic lesson based on the treaty that they had in Waziristan.

Additionally, I see it in their interest to create border security with Afghanistan, which is beneficial to Afghanistan. Additionally, to create border security with India. India has lost 60,000 people due to cross-border terrorism coming out of Pakistan.

But we truly are—I am very grateful for the government of Pakistan, and I think it is to the interest of the people of Pakistan that there be stability.

Another point I want to make, too, is that with the terrorist threat emanating largely out of the ungoverned tribal area of Afghanistan, I believe that it shows that our troops are indeed on the offense in Iraq, in Afghanistan, and this is stopping the terrorists' capabilities of a direct threat to the United States. And so I am more grateful than ever for the American military being on the offense.

It has been stated that the great concern we have are safe havens. The Washington Post has identified that if we are not successful in Iraq, that safe havens would be created with terrorist training camps to attack the United States.

I would like to know—is this the issue of safe havens? Is this how an insurgency, a terrorist organization, can best threaten the American—or worst threaten the American people?

Mr. GISTARO. Sir.

Mr. REYES. Can I ask you to pull your microphone pretty close?

Mr. GISTARO. Sir, I think we have identified physical space where people can come, gather, and plot as a fairly important ingredient in the ability of terrorists to develop and execute a plot.

That said, it is not absolutely required. We see indications that people are able, without ever going to a camp or safe haven, able to radicalize themselves, find like-minded individuals, gain destructive expertise and actually conduct attacks.

Mr. WILSON. Three weeks ago, we had the extraordinary circumstance of physicians in England and London and then at Glasgow. Has it been determined what training they had or what was the inspiration? And indeed the attack on the Glasgow airport certainly should concern the American people. That looked like any school in the United States. It looked like any supermarket.

We need to understand the threat to our country as evidenced by Glasgow.

Mr. LEITER. Congressman, we are working very, very closely with the British intelligence and law enforcement officials, and we certainly look at what happened there and try to apply that to preventative measures here in the United States. Beyond that, because of very strict British laws, I think it is difficult for us to comment in open session.

Mr. WILSON. And additionally, the success of killing al Qaeda leadership of Algeria, Egypt. Zarqawi himself in Iraq has stated that there hadn't been progress. Well, indeed, the leadership around the world has been killed, even though obviously they have successors.

But, again, I want to thank you for your efforts and look forward to the balance of your presentation.

Mr. REYES. Thank you, Mr. Wilson.

Mr. Andrews.

Mr. ANDREWS. Thank you.

I would like to ask Secretary Clapper, in your—in the NIE, the public part of it says the main threat comes from Islamic terrorist groups themselves, especially al Qaeda, driven by their undiminished attempt to attack the homeland.

On a scale of 1 to 10, 10 being the most lethal and imminent threat, how much of a threat to the U.S. homeland is al Qaeda in Iraq?

Secretary CLAPPER. It is difficult to put it on a scale. I just would reiterate what the NIE stated, though, about the professed intent of AQI.

Mr. ANDREWS. I understand about intent. I am asking about capability. On a scale of 1 to 10, what is their capability to attack the homeland?

Mr. GISTARO. Sir, as the Intelligence Community has looked at this issue, the judgment that they have stated is that currently the bulk of AQI's resources are focused on the battle inside of Iraq.

Mr. ANDREWS. So is that a 10 or is it a 1?

Mr. GISTARO. Sir, one of the things we tried to avoid in this estimate was to try and put a number like that, because it can just be misinterpreted.

Mr. ANDREWS. Or perhaps misused.

I would ask a similar question about al Qaeda in the FATA areas.

How do you assess its relative capability to attack the homeland from the FATA areas? Is it greater than AQI in Iraq?

Mr. GISTARO. Sir, as we look at both intent and capabilities, I think with regard to AQ in South Asia, the intent is totally undiminished in terms of capabilities, the core elements of the capability they need to attack us here. We see a negative trend from our standpoint in terms of safe haven, leadership, and training and recruitment of operatives.

Mr. ANDREWS. Are they more capable or less capable of attacking us from the FATA relative to Iraq?

Mr. GISTARO. We are primarily concerned with al Qaeda in South Asia.

Mr. ANDREWS. So they are more capable in the areas of the FATA than they are in Iraq, right?

Mr. GISTARO. Yes, sir.

Mr. ANDREWS. Secretary Clapper, if we were to put aside the difficulties with Pakistani politics, which is—I know we can't do, but if the Pakistanis would let us do whatever we wanted to in the FATA areas diplomatically, intelligence-wise, militarily, to the extent that you would want to answer that question in this forum, what would that be? What is the optimal situation for us in the FATA areas?

Secretary CLAPPER. Well, I think probably a greater freedom of action, first on the part of Pakistanis themselves. Even though they have done a lot, if they could do more, and if there were, I think, speaking personally, probably more freedom of action on our part to engage in Pakistan.

I might ask Ms. Long——

Mr. ANDREWS. Let me ask a question.

If we received a report this afternoon that there was plans fairly well along the line and we felt it was in our interest to intercede with a Special Forces strike, are we able to do that?

Secretary CLAPPER. Well, yes, sir. We would be.

Mr. ANDREWS. Why did you hesitate?

Secretary CLAPPER. Just was thinking about the extent to which I would want to discuss that in open session.

Mr. ANDREWS. Okay. No. I understand that.

What suggestions that you could give us in open session would you make as far as moving us closer to that optimal position you just described? As a Congress, what could we do that would help us move toward a situation where we have greater freedom of movement in the FATA areas?

Secretary CLAPPER. I think if we simply continue the efforts we have now underway, particularly the continuation of the dialogue with President Musharraf, working with his military, administrative interior, the aid and assistance that we have flowing to Pakistan, I think we need to continue that and, of course, accordingly would—we would hope the Congress would support that.

Mr. ANDREWS. I think you understand this, but I want to say it.

The American people, both Republican and Democrat, want this job done by the United States to the extent that that is achievable. We do not want to farm this one out. If it can be done, we want it done by our people.

Mr. VERGA. I wouldn't want the American people who might be watching this to get the impression that if there were information or opportunity to strike a blow to protect the American people in the FATA that we would not take immediate advantage of that opportunity.

Mr. ANDREWS. Thank you. I yield back.

Mr. REYES. Mr. Cole.

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

Thank you gentlemen, and lady, for being here.

I am intrigued by a couple of points and actually struck by the same things that Ms. Tauscher and Mr. Thornberry were. So let me ask you this, because when you look at the two NIEs, it creates a great deal of consternation.

Is it possible that—well, let me put it to you this way: Is our intelligence and understanding that much better, or is our situation that much worse?

Mr. GISTARO. That is an excellent question, sir.

I think it is probably a little bit of both. I think one of the reforms in the NIE process that has been instituted under the DNI is that no NIE is sacred and that when we are going to produce a new one, you don't start with the last NIE and assume that one is absolutely true and you just have to go on from there. You go back and do a zero-based intelligence review.

Mr. COLE. So we sort of need to look on our understanding as evolving here and very difficult to say we got it right then, so what we know now, we can draw a very straight line from it.

Mr. GISTARO. As part of our trade craft, we absolutely try to avoid that mind-set. That said, I think the intelligence has changed in the last year. And the judgments in the current NIE are driven by the intelligence we have seen in the last year.

Mr. COLE. Let me also ask you this. Again, I agree very much with Mr. Thornberry's comments that we are dealing as much with the movement as we are with a man or a group of men or an organization.

If we got what everybody up here would want us to get, that is we got Osama bin Laden tomorrow, and we are able to kill or capture him, would it fundamentally change the nature of the chal-

lenge or the threat that we are dealing with, or would that still exist?

Mr. GISTARO. Sir, the community actually spent a lot of time talking about that exact point. Because it is in the classified section of the paper, I would prefer to go into detail on that in closed session if I could.

Mr. COLE. Absolutely.

Let me ask you this, then, and switch the focus and the time I have got left to al Qaeda in Iraq.

And in your judgment, is our focus there a diversion or is it still an integral part of the ongoing struggle with al Qaeda? We are sort of chasing a lesser target there at a great deal of expense, great deal of resources. Or is the focus there still worthwhile?

Secretary CLAPPER. Well, I believe it is clearly still worthwhile that that is the significant threat. It is a significant component of the larger global AQ threat. So absolutely.

Mr. COLE. Given the fact, Mr. Secretary, you know clearly we have multiple struggles going on in Iraq. We have got civil strife, we have got tension between ethnic and sectarian groups. I mean, I don't mean to give you a challenge. Is it even possible to disentangle these threads?

You know, we got a lot of policy pronouncement in Washington that we should just focus on al Qaeda in Iraq, and somehow everything that is happening domestically in terms of the government or the rivalries or the jockeying of power is sort of irrelevant.

Do we have the luxury of that kind of clarity and that kind of isolation of the problem in an area as complex as Iraq?

Secretary CLAPPER. Well, I think you have accurately characterized the complexity of the situation there. Certainly the al Qaeda threat is crucial. It is crucial that we continue our campaign against it. But that is against the backdrop of all of the other complexities and the dynamics in Iraq.

And I am not sure it is possible to cleanly disaggregate those various components of the complexity, as you correctly allude.

Ms. LONG. Congressman, if I could augment that answer. Excuse the augmentation.

One of the things we are learning about al Qaeda is that they play upon the societal divisions that preexist, whether it is tribal, Shi'a, Sunni or otherwise. And by exacerbating those tribal and other divisions, they actually play into the criminal and other elements of what is going on in complex societies like Iraq and in the FATA.

So your point is exactly right, sir. To disaggregate what actually al Qaeda is focusing on, which is to force those divisions in society to be a conflict against not only those people but our brave men and women in the Coalition force is very, very difficult.

Mr. COLE. I know I don't have much time. But, again, we sort of do a lot of historic revisionism, but there is clearly very adaptable multifaceted—well, thank you, Mr. Chairman. I will hold that for another time.

Mr. REYES. Ms. Davis.

Mrs. DAVIS OF CALIFORNIA. Thank you all for being here.

When you were asked about what has changed, I think one of the things that you cited was the change in the Waziristan agreement.

And yet there has been some, I guess, points of view that would suggest that it is not really just there in the FATA regions that al Qaeda has been reconstituted, but in fact it is across Pakistan, and that there are more problems than just looking at FATA regions.

Would you agree with that and, if so, what do you believe is the situation there as you get it in a broader context?

Mr. LEITER. I think we are talking about al Qaeda core senior leadership. I actually would—the vast majority of what we are talking about is in North Waziristan. So I would not say it is a Pakistan-wide problem.

Mrs. DAVIS OF CALIFORNIA. Anybody disagree with that?

Okay. I know that there have been several articles that would suggest that—that is great, and I wanted to give you a chance to clarify that. Thank you.

One of the other issues that we focused on is that the changes that have occurred in the al Anbar area and the fact that both Sunni and Shi'a tribal leaders have come together in many ways to fight al Qaeda. There is a downside to that, as we know.

And I wonder in terms of the intelligence that you are receiving, if you believe that we ought to be looking at that downside, or that this is just a risk that we need to take in terms of the strengthening in many ways of those tribal communities and the tribal leaders as they fight al Qaeda.

I guess the follow-up question to that is if, in fact, we are seeing that shift and that is true, is then al Qaeda in Iraq being seen quite differently by at least that area of the country and do—are they that much less a threat?

Ms. LONG. Ma'am, I can address that from a non-intelligence standpoint.

I am not sure what you are referring to when you say the flip side. I think you may be referring to the public discussion about arming the tribes or militia in al Anbar. And, you know, from the statements of the Secretary, these were the folks who were well armed to begin with. But it is very important and you are exactly right that what has happened there is a shift in attitude. And I believe it was Congressman Hoekstra that pointed out that the important point of the forcefulness behind the theory and the ideology of al Qaeda is the attitude.

So when we take a look at the tribes, whether they are in al Anbar, in other places where they made the fundamental commitment to enforce the government, to reinforce the government of Iraq and to counter what they consider are a foreign and hostile threat, and that is al Qaeda in Iraq, that is a good thing. And what we are trying to do is encourage that by empowering them, by guiding them, and by institutionalizing that effort.

Mrs. DAVIS OF CALIFORNIA. Are you saying from the point of view of intelligence, then, there is really no downside to that?

Ms. LONG. I can't speak to the intelligence fact. I was referring my colleagues to that point.

Mrs. DAVIS OF CALIFORNIA. I just wanted to have a chance, because certainly some military leaders would suggest that it is a very cautionary way to proceed and we certainly need to do that.

May I just turn really quickly. I am trying to get a sense in terms of priorities and certainly in terms of the Department and where you have put your resources. Obviously they are limited.

Would you say that—has there been a shift in resources from the last NIE report than the report today, or the 2007 report? Does that NIE make a difference in terms of the way you would utilize resources? And certainly individuals who were focusing on whether it is al Qaeda, al Qaeda in Iraq, whether it is Pakistan, the FATA region; have you shifted your resources at all?

Secretary CLAPPER. I think in general terms, the NIEs have simply served to reinforce the course that the Department has been on. It has undertaken a lot of actions in response to this shift and to focus on terrorism.

So changes in the unified command plan, the expansion of our Special Operations capabilities, to name a couple of specific examples. I think the NIEs have simply, despite perhaps the somewhat different approach, different purposes, but I think the underlying fundamental themes have served to reinforce the direction the Department is taking.

At the same time, though, we have other issues that we must—the Department has to wrestle with in terms of nation states, potential nation states, peer competitors, et cetera, apart from the war on terrorism.

Mrs. DAVIS OF CALIFORNIA. Thank you.

The CHAIRMAN. I thank the gentlelady very much.

Mr. Mike Turner.

Mr. TURNER. Thank you, Mr. Chairman.

I want to thank each of you for your efforts to answer our questions today and for your service.

This document is obviously a very important one, and that is, as you hear the questions of the members as we look to issues of policy and of actions, it is something that will guide us to a great extent.

It saddens me, though, that so many times the National Intelligence Estimate is used for political purposes. Last time when the National Intelligence Estimate came out, there was a great amount of political hay that was made over al Qaeda's reaction to our presence in Iraq. And I heard some of that today as we went down the questions about al Qaeda.

And it just strikes me, because there is some of this that just seems obvious.

And so I have a few questions for you that really have been troubling me since we began the discussion on the last National Intelligence Estimate as people have tried to take it and put it forward to the American people for, I think, political purposes that don't help our discussion.

Are there any of you that believe, or did you have any intelligence information that would have indicated that al Qaeda would have liked us more by our entering Iraq, or that they would have been supportive of us entering Iraq? Does anyone have any information that al Qaeda would have liked and been supportive of us going into Iraq?

I suspect the answer is no. And the reason why I suspect the answer is no is because whenever I hear someone make big hay over

al Qaeda is upset that we are in Iraq, I think that should win a blooming obvious award, because we can't imagine they would have thought anything else.

Now, I wasn't here when we voted to go here in Iraq. So I am not one of those who is here to try to make the point of what we knew and didn't know. But it just troubles me when people try to make the point that Iraq is—about Iraq's—about al Qaeda's reaction to our presence in Iraq, when it seems to me it was pretty obvious what their reaction was going to be.

Looking to post-9/11, are there any of you that believed or did you have any information that would have indicated that after we were attacked on 9/11, that al Qaeda was done, that they were satisfied with their attack on our country and that on 9/12, al Qaeda posed no risk to our country?

Anyone?

No. I suspected the answer was no.

So today it would be back to the blooming obvious award that al Qaeda would not have changed its intent.

Now, what is not obvious and what I think was so important about Ellen Tauscher's discussion is it is not obvious that the capabilities, the timing in which they have capabilities that are waning, or the times that their capabilities are escalating, and I look forward to our classified discussion as we learn more of that.

The other question I have for you is, is there anyplace in the Middle East where the United States has troops where al Qaeda is not present? You don't have to tell me where. But is it—is it a yes or a no? Is there a place where we have troops in the Middle East where al Qaeda has no presence?

I would suspect the answer is no.

Mr. LEITER. We could probably give you very limited examples, but yes.

Mr. TURNER. Very limited. I appreciate you saying it.

It also seems to me that it is pretty obvious that there is no one who would have suspected that our going into Iraq would not have resulted in al Qaeda following us.

Something else that is not a surprise.

Well, turning to another portion of your report that we have not discussed, you are talking about Lebanese Hezbollah, and you go on to say that they might pose a threat for attacking the homeland if it perceives the United States as posing a direct threat to the group or to Iran. Obviously they have been—we have seen significant military action that has occurred in that area.

Can you please describe further what your thoughts are there with respect to their views of the United States as a threat and then their threat to us?

Mr. GISTARO. Sir, this was one of the parts of the key judgments that we scrubbed pretty hard from a security standpoint, and I would much prefer to discuss it in closed session.

Mr. TURNER. Thank you. I will wait for my questions there.

Thank you, Mr. Chairman.

The CHAIRMAN. I am going to call on Mr. Murphy right now. And after he asks his questions, we are going to have a 10-minute recess.

Mr. Murphy.

Mr. MURPHY. Thank you, Mr. Chairman. And thank you Mr. Secretary, distinguished witnesses for your testimony today.

Are you telling us that in the entire unclassified NIE, that the name Osama bin Laden is never mentioned? And this fits a pattern where even the President said about bin Laden, and I quote, "I truly am not that concerned about him," unquote.

The folks in the Eighth Congressional District of Pennsylvania are concerned about him and about bringing him to justice because he is the one who is responsible for the murder of 3,000 innocent Americans.

So will you please explain to me why, and I quote, "the most authoritative written judgments on national security," end quote, does not include our efforts to capture and kill Osama bin Laden?

Mr. GISTARO. Sir, what we were trying to assess in the estimate was the intent and capabilities of al Qaeda and other terrorist groups against the United States.

Bin Laden's influence on that is discussed pretty thoroughly in the paper. It was not to assess in broad terms U.S. counterterrorism policy.

Mr. MURPHY. Sir, in the whole NIE it is not—his name is not mentioned at all in the NIE. He is still the leader of al Qaeda.

Mr. GISTARO. No, sir. He is discussed quite a bit in the body of the paper.

Mr. MURPHY. Well, I have asked this line of questioning in the past. I think it is important also getting to the bottom of it.

The past 5 years, the aid, the $5.6 billion aid to Pakistan to combat terrorism, it is about $80 million dollars a month with no strings attached. No questions asked, no accountability. And I believe it is quite disturbing that the NIE states that al Qaeda has found a safe haven in the Pakistani tribal region.

When I was in Pakistan and Afghanistan a few months ago, they expressed a willingness to help out on the border region and also the border of Afghanistan, and asked for the Afghan Army to assist in their efforts. And currently the House of Representatives and the Senate are working out compromises to our bill implementing the 9/11 Commission recommendations.

One provision that is being negotiated and I believe incorporated into the final bill, is a section on Pakistan that would limit aid to Pakistan unless the President issues a determination that Pakistan is making all possible efforts to prevent the Taliban from operating in areas under its sovereign control, including the FATA, the Federal Administered Tribal Areas.

The Administration has proposed even this minimal effort to promote accountability, stating it would be counterproductive to fostering a closer relationship with Pakistan.

In light of the troubling findings of the NIE over Pakistan's failure to fight terrorism, does this Administration, in particular does DOD and NCTC oppose efforts, such as those in the 9/11 bill, which demand accountability, including specific benchmarks with respect to Pakistan's effort in rooting out terrorism?

Ms. LONG. I would like to go ahead and answer that on behalf of the Department of Defense.

I would take some difference of perspective of your statement regarding that no one holds Pakistan accountable. And as a matter

of fact, there are extensive exchanges between the Department and the Pakistani government to account for and to follow through on how the aid that we provide them is utilized.

For example, I believe it was Congressman Smith talked about the policy implications and the policy lines of our assistance to Pakistan. And those extend to development of the military, as you are well aware, with the Frontier Corps, and it also extends to non-kinetic measures such as economic and other developmental efforts in order to bring stability from a political economic standpoint to the FATA.

So I do believe that the Department in particular, and while State Department is not here, does account for and does follow very closely the utilization of the aid that is provided to Pakistan.

Mr. MURPHY. But the reality of on the ground is we knew this intelligence before the NIE came out. We have known for at least since I have been in Congress, for seven months, the fact that we knew this was—this region of the world was a safe haven for al Qaeda. And we continue to give $80 million dollars a month to the tune of $5.6 billion to President Musharraf who has called off his military, the Pakistani Army, and basically outsourced this tribal area and allowed al Qaeda and the Taliban to grow stronger and stronger.

Ms. LONG. Once again, sir, I would disagree with you. To date, approximately 700 Pakistani security services have died in support of the effort to stabilize the FATA and other regions. And I believe as of today, some 100,000 Pakistani security forces are in that region contributing to the global war on terror.

Mr. MURPHY. Ms. Long, is it your testimony today that President Musharraf has not called off the Pakistani Army in that section, the FATA section, in the past?

Ms. LONG. It is my testimony today that it is my understanding that there is Pakistani military and other security forces present in the FATA, yes, sir.

The CHAIRMAN. Thank the gentleman.

We will now have a 10-minute recess, and Dr. Gingrey, you will be the next member called upon.

Ms. ESHOO. Could I ask a courtesy of you to maybe announce the order of members that are still to be called on?

The CHAIRMAN. Thank you. We can do that.

I have Dr. Gingrey, Mr. Loebsack, Mr. Wilson—Ms. Wilson, excuse me. Mr. Holt, Mr. Franks, Mr. Sestak, Mr. Issa. That is as far down as I can go as of this moment, if that helps any.

Ten-minute recess.

[Recess.]

The CHAIRMAN. We are back in session. The gentleman from Georgia, Mr. Gingrey.

Dr. GINGREY. Mr. Chairman, thank you very much.

The CHAIRMAN. Go right ahead, Doctor.

Dr. GINGREY. Mr. Chairman, thank you, and I want to thank the witnesses for sharing their time with us this afternoon. It has been a great hearing.

My colleague from Ohio asked the question a little while ago, and he talked about the blooming obvious award to some of his rhetorical questions. And I thought I would offer a couple or few rhetor-

ical questions as well, and I think the answer, at least from my perspective, is blooming obvious, but I would welcome the witnesses to actually answer the questions if they felt qualified to do so.

And this is the first question, when a well qualified team of cancer specialists—now, remember, I am an OB/GYN physician so I am coming at this analogy obviously from the medical perspective—but when a well qualified team of cancer specialists agree on a plan of therapy for a patient's cure, and this plan is based on all available medical information at the time of initial treatment, and they apply that therapy consistent with the known standards of care at that point in time, yet the cancer comes back, is that medical team guilty of malpractice?

Now the other question then is, if the answer is no, if this same team, knowing that the successful treatment of this recurrent disease, now the cancer has come back, it is going to be much more difficult, much more difficult as we all know, so they decide to withdraw their care from the patient and move on to some other battle that they are more likely to be successful in, would you then say that they are guilty of malpractice or even abandonment of the patient? I think that blooming obvious answer to this rhetorical question is yes.

We have all heard the old adage, and I am old enough to remember when people would say, oh, goodness, you have got a cancer, but don't let them cut on it, don't let that doctor cut on it, because it will spread it.

And what I am getting at, we are talking about, we have been here a long time today, we are really taking this National Intelligence Estimate in regard to al Qaeda and the fact that we went after the cancer with the best knowledge that we had, the best of our ability at the time, and the cancer, al Qaeda, according to the National Intelligence Estimate, has come back. It has come back with a vengeance. It is going to be tougher, and it is tougher to wipe them out because this spread a little bit.

Do you gentlemen think that we should give up in a situation like this, or should we continue to fight the cancer, because there is still a chance for a cure?

Secretary CLAPPER. Well, I am not a medical doctor, sir, but I think your analogy, and even though the questions and statements are rhetorical, I think they are correct.

The answer to your first rhetorical question is, of course, no. At least I don't think it subscribes to the common understanding of what medical malpractice would be.

I think what we have here is somewhat of just a chronic condition that is going to be with us for a long time, and we have to, I think, resolve that this is a long running condition. And hopefully we will find a cure for it some day, as we will hopefully find a cure for cancer. In the meantime, we have to attack it using a variety of means and methods, as we are, and we have to take it on wherever it occurs and wherever we can get to it.

Dr. GINGREY. Still got a little time for other answers.

Mr. VERGA. Sir, I would obviously agree with you and the only other additional comment that I would make is, while al Qaeda is a very resilient organization, they have in fact reconstituted them-

selves. I have a hard time imagining how much worse it would be had we not undertaken the actions we have undertaken since September 11th, and I have a vivid imagination.

Dr. GINGREY. I will say this, in regard to that comment about, oh, don't let the doctors cut on that cancer, I can assure you, and I am not a cancer specialist either, but if you just look at it and hope that it will go away and that you don't disturb the hornets' nest and think they will like us, it will surely kill you.

I yield back, Mr. Chairman.

The CHAIRMAN. Thank the gentleman from Georgia.

Mr. Holt.

Mr. HOLT. Thank you, Mr. Chairman, and thank the witnesses.

I would like to follow on some of the questioning of Mr. Thompson and Ms. Tauscher about the difference, and that you have heard from others today, about the difference between the NIEs where in 2006 it talked about seriously disrupting the leadership of al Qaeda and now saying that it has reconstituted and is as great a threat as ever.

You took a couple of—made a couple of efforts at trying to explain some of the differences. At one point, you said, well, we took away the safe haven in Afghanistan. But that, of course, had happened long before the 2006 NIE. So that can't be the explanation of what has changed. Then you said, well, the policy of Pakistan and the tribal areas has changed. And that certainly is true.

So let me just ask you to say it outright, are you or are you not saying that the Pakistani policy, Musharraf's policy in the tribal area has changed in a way that has led to either tolerating al Qaeda or aiding directly or indirectly al Qaeda? Are you saying that?

Mr. LEITER. Congressman, the North Waziristan Peace Agreement contributed to al Qaeda developing over the past year a safe haven. It made them more secure. If I can add one thing though, you noted that taking away Afghanistan in 2001 couldn't have any effect. My point was that this has not been a constant evolution. That taking away the safe haven for al Qaeda in Afghanistan in 2001 did for a period disrupt its ability to plan and plot. Their movement to the urban areas gave them opportunity to regenerate. Attacking them there allowed them to move and so on and so on.

Mr. HOLT. Well, I think that there is an important policy implication of what you have just said about the change in Pakistan. Let me go to another question; what sort of control does al Qaeda, al Qaeda in Pakistan or wherever the leadership is, have over al Qaeda in Iraq for tactics and operational planning. What sort of control do they have?

Mr. GISTARO. Sir, I think the President laid it out pretty clearly yesterday.

Mr. HOLT. I am asking you. You have studied this, and he is getting his information from you, I hope.

Mr. GISTARO. Yes, sir. I think what the President said was, we do not see al Qaeda in South Asia exercising tactical control over AQI. That they have deferred to AQI.

Mr. HOLT. Now you also said in answer, Mr. Gistaro, in answer to Mr. Thompson's question, that al Qaeda was not in Iraq at the

time that the U.S. went in. When did they go in? When did they appear if it was after we entered?

Mr. GISTARO. Sir, I think we—the Intelligence Community looks at the 2004 swearing of bayat on the part of Zarqawi to al Qaeda as the point where we started to talk about al Qaeda in Iraq.

Mr. HOLT. Why? Why did they go in?

Mr. GISTARO. Sir, I think, and I defer to others on the panel, there was a terrorist presence in Iraq. It decided in 2004 to align itself formally with al Qaeda.

Ms. LONG. Congressman Holt, if I actually might clarify just two points. You asked a moment ago about the policy implications of the North Waziristan Agreement. It was unclear from where the conversation left off, that agreement is no longer in effect, sir, and in fact has been abandoned. The Pakistani government made the policy decision to return the army, which had maneuvered itself away from some of the centers to garrisons and along the border. They have returned significant forces to Northern Waziristan as well as realigned the forces within Northern Waziristan.

So I didn't want to let that go with a misinterpretation that the agreement was still in effect and, therefore, that we had not and the Pakistanis had not made the appropriate policy adjustments.

Mr. HOLT. Let me just wrap up by saying, you have published an unclassified version of this so clearly you mean it for public consumption. It is leaving the public very confused. We have gone from the President saying in 2003 that the nearly one-half of al Qaeda senior operatives have been captured; and then, a few months later, that nearly two-thirds have been captured and killed; and a year later, maybe three-quarters have been killed. We have gone from orange to yellow to red warnings, and now we have conflicting NIEs barely a year apart. It is leaving Americans very confused about what we really know and whether what we are stating are facts or political assertions.

Ms. LONG. Mr. Chairman, I would like to go ahead and answer that question.

The CHAIRMAN. Please.

Ms. LONG. Sir, it is a confusing situation in part because it is a complex situation and the nature of counterinsurgency of terrorism, and particularly this target, is a very dynamic target. And it has adapted and changed to our tactics and procedures, and continues to do so. You are exactly right in that we owe it to the U.S. public not to boil this down to sound bites and to ensure that they understand the complexity and the difficulty of this terrorist target, sir.

The CHAIRMAN. Thank you very much. Let's go back. We went into Iraq in March 2003; am I correct? The answer is, yes. At what point did we realize there was an insurgency? Anybody?

Secretary CLAPPER. I think soon after the end of active hostilities.

The CHAIRMAN. That would have been around May 1st, 2003, am I correct?

Secretary CLAPPER. I think we began to see early when— I was the director of NGA at the time, and I think we began to see early signs that there was a coherent national thing, but there were certainly the earmarks of an insurgency.

The CHAIRMAN. Was this basically the Baathists of yesteryear of the Saddam Hussein Sunni group?

Secretary CLAPPER. I think it was a combination of interests using terrorist tactics, Sunnis versus Shi'as; disaffected Baathists, yes. Then, as things evolved, we began to see the association with AQI or al Qaeda moving in and exploiting the situation and galvanizing the terrorist movement in Iraq.

The CHAIRMAN. When did the al Qaeda or foreign fighters, if they are the same thing, move in and begin assisting the insurgency?

Mr. GISTARO. Sir, if you do go back, Zarqawi was already in Iraq even before we invaded. I think he had started to establish those networks to bring foreign fighters into Iraq, primarily to be the suicide bombers that he started using with increasing frequency in 2004 and 2005.

The CHAIRMAN. When was that?

Mr. GISTARO. Sir?

The CHAIRMAN. When was that? When was there a presence of al Qaeda assisting or working with the Sunni insurgency? And using May 1st as a focal point, from that point.

Mr. GISTARO. Sir, we began to use the term al Qaeda in Iraq in 2004 after Zarqawi pledged his bayat.

The CHAIRMAN. So that would be the following year.

Mr. GISTARO. Yes, sir.

The CHAIRMAN. Not until then.

Mr. GISTARO. We were certainly aware of Zarqawi and what he was doing.

The CHAIRMAN. When were you aware of Zarqawi and what he was doing?

Mr. GISTARO. We saw evidence he was in Iraq even as early as I believe 2002.

The CHAIRMAN. When did he begin his activities?

Mr. GISTARO. Sir, I think this is something I need to take as a question for the record to make sure I can give you an accurate answer.

The CHAIRMAN. I am getting a little fuzzy there.

Mr. TIERNEY. Will the chairman yield. The fact of the matter is Zarqawi was in Iraq, but he was there as an insurgent independent; that he didn't even have a good relationship with Osama bin Laden; in fact, Osama bin Laden rejected his overtures until it was convenient for al Qaeda to take credit for the kind of insurgency going on in Iraq. And at that point, they finally accepted the overtures of Zarqawi. And all of the insurgency activity he was involved in, on an entirely different basis, became associated with al Qaeda, and that is how the situation evolved.

The CHAIRMAN. Let's proceed.

Mr. Franks.

Mr. FRANKS. Thank you, Mr. Chairman. Thank all of you for being here. Sometimes it is easy for those of us that have the opportunity to kind of second guess you to forget that you are the invisible front line of freedom in this country, and we appreciate you very much. I know you have a difficult job.

I was struck by the comments of both Mr. Gingrey and Mr. Turner about some of the obvious questions. And part of the problem is that sometimes in this body, self-evident truths have become less

self-evident. And it seems like truth sometimes gets disinvited from the debate. So if you grant me diplomatic immunity, let me just try to do a little bit of the same thing they did.

Ms. Long, when you mentioned that al Qaeda was very adept at being able to not only assess but to understand the political dynamics in a given area and to exploit those in ways that are pretty insidious, do you not think that they also are able to assess our own political dynamics here and exploit them to a great degree as well?

Ms. LONG. Absolutely. In fact, I believe that there is intelligence as well as anecdotal information that they watch our political dynamic as well as our dialogue very carefully in order to gauge our weaknesses as well as our strengths.

Mr. FRANKS. I think it is probably one of the greatest challenges that we have here, is that al Qaeda is an insidiously intelligent and dangerous group that has profound commitment to their ultimate end, and our challenge sometimes is to diminish their capacity.

With that in mind, let me ask you again, Ms. Long, do you think that al Qaeda feels emboldened and strengthened—and this is a terribly unfair question to you; it is a political question, but it also has a pretty straightforward answer, probably—do you think al Qaeda is emboldened or encouraged by calls in this body for us to withdraw from Iraq?

Ms. LONG. I think debate about what we do in Iraq and the manner in which we do it is very important, and I think public dialogue and discussion about that is critical to our democracy, and I think that, to the extent that individuals see that both internally and externally, they know this is a fundamental principle of America, that we have dialog.

I do think we need to be careful that we don't inadvertently either dissuade our allies from being aware, and knowing our commitment, as well as emboldening our enemies.

Mr. FRANKS. If they had a vote, Mr. Verga, do you think that al Qaeda would vote for us to withdraw or to stay and fight?

Mr. VERGA. I think they would like us to withdraw.

Mr. FRANKS. Think they would like for us to withdraw. Let me ask you, Mr. Verga, let me not characterize, what do you think the reason is that we see this drawing into Iraq of al Qaeda? Why are they coming into Iraq to fight us?

Mr. VERGA. One, because we are there. We are fighting them there because they are there. And they see it as an opportunity to hand us a defeat which would help them get to their end, which is ultimately an Islamic Caliphate that spans the world.

Mr. FRANKS. Osama bin Laden said not so long ago said, this battle of two rivers, Iraq, is the critical battle. He said that this is the important thing. So if Iraq is not important to Osama bin Laden, if it is not important in the battle against al Qaeda, if it is not important in the battle against Islamic terrorism, if it is not important in the battle against jihad, then somebody needs to explain that to al Qaeda, because they don't understand.

Let me ask you, Mr. Verga, what do you think happens if we withdraw too soon from Iraq before that government can stand? What happens there? What does al Qaeda do, and what advantage do they gain by that happening?

Mr. VERGA. I think the biggest negative would be to establish a Taliban-type state that we had in Afghanistan prior to going into Afghanistan in a country which has much more indigenous capability. Iraq is a much more advanced country than Afghanistan was. And if you have an Islamic state bent on exporting Islamic fundamentalism around the world, they would have an operating base. I think the implications for the region and the implications for the safety and security of America would be profound.

That is my best professional judgment, that leaving Iraq precipitously without setting the conditions for the Iraqi people to be able to have a stable country is not in the best interest of the United States.

Mr. FRANKS. I suppose it doesn't shock you to know that I agree with you completely on that.

Mr. Gistaro, I think you mentioned earlier that the assessment is that the potential capacity to attack the United States comes more from al Qaeda in Asia than it does in Iraq, but Iraq has probably the clearest open statement that they want to attack the United States.

So I ask this question, it is a little bit fuzzy, but is it possible that the reason that we deem the al Qaeda capacity in Iraq to be less than that of al Qaeda in Asia is because they don't have the safe haven in Iraq because our people are there and are engaging them? Does that have anything to do with diminishing their capacity?

Mr. GISTARO. Yes, sir. The Intelligence Community assesses that AQI, the bulk of its resources are focused on the conflict inside of Iraq at this time.

Mr. FRANKS. I guess, I am about out of time here, but I want to thank all of you again. I hope that you stay with it. I think this is the most dangerous enemy that we have faced in terms of the ideological commitment that they have and that, unlike some of the dynamics of the past, it is no longer an equation of what is their intent, how can we diminish that; it is the equation of, how do we prevent them the capacity to do this country great damage, and how do we gain the confidence and the cooperation of the Iraqi people? I would submit to you that I believe that the rhetoric in this institution can have two negative consequences: It can embolden the enemy and can reduce the commitment on the part of our allies to cooperate. Thank you.

The CHAIRMAN. Before I call on Mr. Sestak, it is my understanding that Mr. Leiter must leave at this moment and someone will take his place. Am I correct?

Mr. LEITER. I do, Mr. Chairman. I thank you for the opportunity to speak with you. Taking my place, and I apologize for having to leave early, will be the NCTC's director of intelligence, Andy Liepman.

The CHAIRMAN. The name again?

Mr. LEITER. Andy Liepman.

The CHAIRMAN. Thank you.

Mr. LEITER. Again, thank you for your time, Mr. Chairman.

The CHAIRMAN. Thank you, Mr. Leiter.

Thank you so much.

Mr. Sestak.

Mr. SESTAK. Thanks, Mr. Chairman.

The largest phrase I will walk out of here with you is yours, Mr. Gistaro, a safe haven, Pakistan. I can remember, I guess during the war when we went into Afghanistan, General Hayden, head of the NSA at that time, said to General Franks—excuse me, Franks said to Hayden, give me some actionable intelligence. And Hayden replied, give me some action, Franks, and I will give you some intelligence.

We have a safe haven, so there is no action. They just sit there, so we can't get intelligence, if Hayden's comment was correct.

You said, General, that we want to use—we want to attack it by every means, by a variety of means. Actually who probably should be sitting here at this table is the State Department. But you are the closest to it, Ms. Long, and then you, General.

How do you get action so you can get intelligence in what you described as a safe haven that the might of America can't get the intelligence in a certain place in the world? This is for you, Ms. Long, or General, either one.

Ms. LONG. I think there are a variety of ways of getting action. We have talked a lot today about the kinetic aspects, and I think what you are alluding to is, as a result of kinetic activity, you can get prisoners or detainees or you can learn——

Mr. SESTAK. Much more than that. To the General's point, there is a lot of means to get action.

Ms. LONG. I was starting there, and I was about to say that actually I think one of the things we have learned, in al Anbar for example, is it is the non-kinetic means is sometimes more productive as an intelligence producer, and that is persuading folks——

Mr. SESTAK. How do we do that to Pakistan? What is the action you recommend?

Ms. LONG. We have a three-pronged effort that I think is effective. And that is economic development so that the people of the FATA and Northern Waziristan in particular see their world changing so that they can affiliate themselves——

Mr. SESTAK. Will that take time?

Ms. LONG. Time.

Mr. SESTAK. In the near term, because he is just sitting there.

Ms. LONG. One of the other things that we are doing near term and actually as we speak is we are developing the capabilities of the Pakistani army as well as frontier forces.

Mr. SESTAK. But he has a treaty.

Ms. LONG. That treaty is no longer in effect. And as a matter of fact——

Mr. SESTAK. Why did we wait? If the treaty was giving him safe haven, why didn't we ask them to break it earlier?

Ms. LONG. I think there is a misperception that we were standing by as this treaty was in effect. That is incorrect. In fact, our military and other efforts to not only provide military and other support as well as economic development to Pakistan were ongoing during the treaty, sir.

Mr. SESTAK. General, any recommendations?

Secretary CLAPPER. As I said earlier, I just think we need to continue on all fronts, whether it is assistance to the Pakistanis. I

think Ms. Long makes a very good point about it is not just the kinetic.

Mr. SESTAK. Would you change anything we are doing now to try to get more action, or some action?

Secretary CLAPPER. I think we need to continue what we are already doing.

Mr. SESTAK. It hasn't produced anything in Pakistan.

Secretary CLAPPER. Well, I don't think that is necessarily the case. I think it is producing something. I think the treaty with the tribes in Waziristan was a good thing to try. It was done in good faith. It didn't work out, and now it has ended, so we try another approach. I think that is characteristic of what needs to be done here, is to call on all forces, kinetic and non-kinetic.

Mr. SESTAK. General, can I follow up? You said attack by a variety of means. When General Eikenberry left Afghanistan, he was asked, does Iran work toward our interest in Afghanistan for stability? His answer was yes at that time, not because they love us, but because they didn't like al Qaeda and Taliban, and put money into building roads. The National Intelligence Council (NIC) had said that we would spiral into chaos in Iraq if we redeploy precipitously in 18 months.

When asked, Dr. Fingar, did that include the influence if it was to be one of the means by which we want to get stability in Iraq to negotiate with him, to work with him to see if they can have an impact, would that change your answer of spiraling into chaos, since they don't, he said, want a failed government, would that have changed your answer? He said probably.

In attacking by variety of means these insurgents and all, would working, in your intelligence estimate, with Iran help address this problem in Iraq?

Secretary CLAPPER. Well, in the first instance, I think any Iranian element that poses a direct threat to U.S. Forces in Iraq certainly has been and will be dealt with. Beyond that, the limited dialogue that Ambassador Crocker has had with the Iranians to implore them to reduce, eliminate their engagement, their support for the insurgents in Iraq is the right thing to do.

Mr. SESTAK. I am out of time. Thank you.

The CHAIRMAN. Thank the gentleman.

Mr. Gallegly.

Mr. GALLEGLY. Thank you very much, Mr. Chairman, and thanks to all the witness for being here today. General Clapper, it is pretty common knowledge that in order to get to al Qaeda, we need to be able to surveil the al Qaeda network and their use of modern telecommunications. How is FISA's inability to provide you with the proper tool to effectively listen to the terrorist communications impacting your ability to protect the homeland?

Secretary CLAPPER. Sir, I think it would be best if we left that for a closed session discussion.

Mr. GALLEGLY. Would it be safe to say that it is clear that al Qaeda is using modern telecommunications?

Secretary CLAPPER. Absolutely, they are.

Mr. GALLEGLY. And it is important that in order to get through to al Qaeda, we really need to get to the core by getting through the network.

Secretary CLAPPER. Yes, sir, that is correct. That is, as I am sure you appreciate, is why the interest in updating, modernizing the FISA legislation, not only to improve the efficiency of our attack against al Qaeda communications and use of the Internet, et cetera, but at the same time to ensure that civil liberty considerations are addressed as well.

Mr. GALLEGLY. But without getting into the specifics and the overall effect on the homeland, the current status of FISA does have an impact on our ability to do our job.

Secretary CLAPPER. It does. It is not as efficient and as responsive as it needs to be, and that is a factor occasioned by the huge change in technology that has occurred since the original FISA legislation was enacted.

Mr. GALLEGLY. Kind of like between the Motorola cell phones of 20 years ago that look like a shoe box compared to these today that you can make a vanilla malt with.

Secretary CLAPPER. Even more basic than that. We have gone from an era of putting alligator clips on telephone lines to the technology you just indicated.

Mr. GALLEGLY. Thank you very much, General Clapper.

The CHAIRMAN. Jan Schakowsky.

Ms. SCHAKOWSKY. Thank you, Mr. Chairman, both chairmen, and I thank our witnesses today. In 2002, before the vote on the use of force, I said, am I the only one who sees that the emperor has no clothes? Well, now, many years later, most Americans now see that the emperor has no clothes. What we have been doing has simply not been working, in my view. Almost 6 years now after 9/11, when al Qaeda did attack us, 3,400-plus American troops are dead; a thousand-plus contractors, who we don't even count, are dead; tens of thousands of Iraqis; nearly a half a trillion dollars borrowed; $12 billion a month; $12 million an hour. And the level of threat from al Qaeda we are learning is high, perhaps as high as it ever was, and growing.

I wanted to just read something from the Strategic Reset, which is from the Center for American Progress: The current Iraq strategy is exactly what al Qaeda wants. The United States, distracted and pinned down by Iraq's internal conflicts, trapped in a quagmire that has become the perfect rallying cry and recruitment tool for al Qaeda, United States has no good options given the strategic and tactical mistakes made on Iraq since 2002, but simply staying the course with an indefinite military presence is not advancing U.S. interests.

So we heard the President say in May 2003, al Qaeda is on the run. That group of terrorists who attacked our country is slowly but surely being disseminated. Right now, half of the al Qaeda operatives are either jailed or dead. In either case, they are not a problem any more. Then we have talk about the 2006 NIE, and then the latest where al Qaeda has protected or regenerated key elements of its homeland attack capability. This is six years later now.

And so we know also that al Qaeda in Iraq, which we are talking about the threat from there, did not exist prior to the U.S. occupation, and in Pakistan, now, we have what I call an al Qaeda-free zone.

Mr. Verga, you said you don't want the American people to get the wrong idea, but why wouldn't they? I am looking at a July 25th, 2007, article that says a secret military operation in early 2005 to capture senior members of al Qaeda in Pakistan's tribal areas was aborted after top Bush Administration officials decided it was too risky and could jeopardize relations with Pakistan according to intelligence and military officials.

Why wouldn't they get the wrong idea about our seriousness about capturing Osama bin Laden? Let me make a few more points.

The other thing I don't understand is why we haven't focused more on Saudi Arabia. Another article, July 15th, 2007, in the LA Times: Fighters from Saudi Arabia are thought to have carried out more suicide bombings than any other nationality. About 45 percent of all foreign militants targeting U.S. troops and Iraqi civilian and security forces are from Saudi Arabia; 15 percent from Syria and Lebanon; 10 percent from North Africa, according to U.S. military official figures made available to the Times.

So I wanted an answer about the threat, which I didn't see mentioned in the unclassified report, from Saudi Arabia. So those are two allies, Pakistan and Saudi Arabia.

Finally, I wanted to ask your opinion then of what the latest revealed strategy of the significant American role in Iraq for the next two years, the joint campaign plan, could yield us in terms of getting Osama bin Laden and those people who really are trying to attack us, the bad guys that we know who have killed us?

When I look at the articles about that two-year presence, what I see is about trying to stabilize Iraq, reduce the threat to Iraqis, but nothing about how we are really going to—seems to me we missed the boat. We took a turn from Afghanistan where we were fighting al Qaeda, and we went to a place that has only enabled al Qaeda to organize to use our Iraq occupation as a gathering point.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank the gentlelady.

Mr. Issa from California.

Mr. ISSA. Thank you, Mr. Chairman.

Ms. Long, Secretary Long, as a key advisor to the Secretary of Defense this hearing is on Iraq, and I don't want to stray too far from it, but I feel I must. As al Qaeda builds its network of foreign fighter recruiting, and they clearly have done that and used Iraq as one of the central recruiting points, and of course, they continue to use Israel and the plight of the Palestinians as another key recruiting.

But recently, near Tripoli, Lebanon, it was shown that a huge amount of foreign fighters came into a Palestinian camp and in fact, and I use the words of the prime minister, he calls them al Qaeda-like, does not want to call them al Qaeda, but they are clearly foreign fighters, clearly Sunnis, clearly were recruited to come in, commit crimes and kill Lebanese armed forces when they came to respond to a bank robbery.

One, how do you respond to that event? And two, which is going to be more broadly for the panel, when we spend $12 billion a month in Iraq, what is the excuse of having a key potential second

front get only 20 Humvees when we promised them three quarters of a billion dollars a year earlier at the time of that attack?

As a matter of fact, at the time of the attack, just as a little note, they only had 600 artillery rounds to put into the target because we hadn't kept any of our significant promises for resupply. I need to use about half my time on you and then go to General Clapper.

Ms. LONG. I can, actually, sir. You are referring to the Lebanese armed forces (LAF) activities against the Palestinian armed enclaves in Tripoli and northern Lebanon as well as some of the activities that the LAF has undertaken in southern Lebanon. The first point is, you are exactly correct that foreign fighters have moved into Lebanon, and as you know, and not the subject of this particular hearing, those have been in order to strengthen Hezbollah as well as the activity going on in the north that were contrary to the Siniora government. It is important for you to be aware that the Department of Defense as well as the Department of State have reinvigorated and augmented our support to the Siniora government as well as Lebanese armed forces.

As you are aware, sir, it wasn't until quite recently chronologically that the Lebanese government, to the extent it was one, was Syrian-backed, and some would argue a Syrian puppet. Prior to that, you are exactly right, not a lot of resources went into the building of the armed forces.

Mr. ISSA. I appreciate your response, but I am going to make a quick comment back. This is the typical talk we get in these hearings and is nice to have a public hearing so we can make a public answer.

It has been two years since the assassination of Hariri. The March 14th coalition swept in a new organization, clearly anti-Syrian, and the Syrians were driven out, and we pledged to, in fact, support that legitimate government. The President invited the prime minister and had him at the White House.

What I was asking, and I am going to have to go on to General Clapper, but what I was asking is, why, when we spend $12 billion a month, when the amount of weapons going into Iraq and Afghanistan is so huge, we couldn't get more than 20 Humvees in a damn year? That is the question. It answers itself. And I apologize, but your answer that it has been a short term, a year or two of a nation that had no military, whose 113s are lucky just to be diesel and not gas, who go back to when I was a lieutenant, and then to say, well, it wasn't enough time, is simply disingenuous.

Additionally, and I know you don't like being called disingenuous, King Abdullah offered to ship and train from his excess stock of our equipment, and we said no, and his equipment still sits there.

Ms. LONG. That is inaccurate. I apologize for interrupting. We have gotten a lot more equipment into Lebanon than 20 Humvees. I will brief you and your staff as to the amount of equipment.

Mr. ISSA. I would look forward to it because I will compare it with the list I received in Lebanon.

[The information referred to can be found in the Appendix on page 109.]

General Clapper, the followup question for you, it is interesting that you began your career as a lieutenant flying over Laos and

Cambodia. That was at a time when they were not open antagonists to us; were they?

Secretary CLAPPER. That is right, sir.

Mr. ISSA. They, in fact, simply were unable or unwilling to fight an enemy of ours, and they were being used in order to traffic in people who would kill Americans. And at that time, in the beginning of your career, we would not accept that foreign fighters and weapons and resupply came in through other sovereign nations; we would not accept their sovereignty if they were not able to maintain their sovereignty.

So my question to you today, from a standpoint of Iraq, is, why is it we respect the sovereignty to the letter of Syria and Iran while clearly foreign fighters, munitions and others, either with or without the assistance of those countries, come into us; why is it that we do not have a next-generation of aircraft like the one you flew over Laos and Cambodia with eyes and ears and, yes, munitions, if necessary? That is as to Iraq, and obviously Pakistan would be exactly the same question.

How do you answer why what was right when you were a lieutenant somehow is off limits as a Secretary?

Secretary CLAPPER. Well, the conditions were not quite—the analogy is a little different. When I was flying the mission, EC–47 missions, which were a World War II aircraft with World War II engines at the time.

Mr. ISSA. You were eating K rations when you got home.

Secretary CLAPPER. Of course, the target was specifically the North Vietnamese military formations that were moving through Laos, and the component of the Laotian government that was supportive acceeded to that. And of course, the conditions today I believe with Pakistan are just different.

Mr. ISSA. Mr. Chairman, thank you for your indulgence.

The CHAIRMAN. Thank you very much.

John Tierney.

Mr. TIERNEY. Thank you, Mr. Chairman.

Mr. Chairman, I am going to start by making a brief statement as opposed to questioning, then hope to move to questions. I just want to put enough on the record here to clarify. There has been some other statements made about the Foreign Intelligence Surveillance Act, and I think some of it may be construed as misleading by others. That act has been changed dozens of times since it was first enacted, and it was changed a number of times since 9/11. The President instituted his program without ever coming back to Congress and asking that any changes be made in order to take care of any imperfections he might have seen in it.

We have had numerous hearings now, both open hearings and classified hearings in the Intelligence Committee and subcommittees. The Administration has barely been able to articulate any particular problems with it, but the ones we can gather are they may need some staffing of people, additional staffing of people to implement the act as it is written. The other is that the act already allows for foreign-to-foreign communications to be intercepted. This Administration, for reasons we probably can talk about in classified sessions, has chosen to say it wants a warrant nonetheless.

We don't need to go to an extent that some people have proposed, which would open up all United States communications to indiscriminate interception, but I do want to state, Mr. Schiff and Mr. Flake, in a bipartisan manner, Ms. Harman and others have taken care of that issue in a piece of legislation that failed to get bipartisan support. Senator Feinstein introduced a similar fix in the Senate. I hope that people won't get caught up in this hyperventilation to think this Congress hasn't been acting on that. Rather than make it into a political issue, I am hoping we can get back to legislation that Mr. Schiff, Mr. Flake and Ms. Harman and others have filed so we can clear up that issue and stop playing politics.

On another matter here, I think the NIE states clearly the importance of eliminating key al Qaeda leaders. It states specifically that the loss of key leaders, specifically, Osama bin Laden, Ayman Zawahiri, and al-Zarqawi, of course, is already gone, in rapid succession probably would cause the group to fracture into smaller groups. Although like-minded individuals would endeavor to carry on the mission, the loss of these key leaders would exacerbate strains and disagreements. We assess that the resulting splinter groups would at least for a time pose a less serious threat to the United States' interests than does al Qaeda originally.

I suppose that was true back right after September 11, 2001, and that is why we went into Afghanistan and why the entire Congress voted to go in. I also suspect, unfortunately, it was remaining to be true when this President diverted troops out of Afghanistan and into Iraq, which at that point in time did not have any al Qaeda people involved in that situation. And that is true today. It is still important to go after Osama bin Laden and Zawahiri and other leaders on that basis, but yet the President has disbanded a special intelligence group that was focused solely on that avenue and has continued to support the Musharraf regime in Pakistan, which some people would argue isn't doing enough in that FATA area, the tribal area to take care of Osama bin Laden and Zawahiri.

Does anybody here think it is not important at this time to put some focus on trying to get Osama bin Laden and al-Zawahiri and deal with that situation? Is there anybody here arguing it is not important to go after them?

Assuming, then, that before Mr. Musharraf made the deal with the tribal chiefs in the Waziristan area, we had unrest there, we had Taliban, we had people that were causing problems, that is why he said he made the pact, because he thought that was going to get their cooperation in moving those out, so it was a preexisting problem; it didn't happen because of the pact. Now the pact is in place, and we have some incidents that may have exacerbated the situation. The fact of the matter is that he is now by some reports trying to reinstitute those pacts.

Ms. Long, you say that that is not the case. So are the reports that we are reading that this is still an effort on the part of the Musharraf government to reinstitute the pacts with the tribal leaders no longer accurate? You are uncertain, or can you adamantly state the United States government is working with Musharraf to be sure he doesn't reinstitute that policy?

Ms. LONG. Sir, what I actually stated was that the Northern Waziristan Agreement instituted last year arguably was violated by both sides and has been abandoned by both sides and that Musharraf has moved subsequent to that to not only reconfigure figure the Pakistani armed forces, particularly the army, but also put more in the area.

Mr. TIERNEY. My time is running, but during the time when that obviously wasn't working, why did the United States fail to work with General Musharraf and convince him to do something other than to stand by and abide by that pact and watch that get worse?

Ms. LONG. Sir, we were not standing by. As a matter of fact, I myself traveled to Peshawar as well in order to dialogue with the Pakistanis on the meaning of that agreement. And in fact, that agreement, some would argue, was an attempt not only to deal with the al Qaeda presence there but also the Taliban.

As you are aware, the Taliban and other extremists in that area are also a threat not only externally but internally to Pakistan. We did not stand by. During that time frame, we increased our aid to the Pakistani military, and we began serious dialogue and efforts to train the Pakistani frontier forces, which were the element that the Pak government at the time was looking to as the primary element to reinstitute stability to Northern Waziristan.

It is true that President Musharraf and various elements of the Pakistani government are looking at a variety of means, including small agreements in villages and other places, in order to gain stability. Some would argue that the approach isn't too different from the approach we are taking in al Anbar in that they are looking to change tribal minds in order to gain them on the side of what the Pakistani military is trying to do, sir. So I can't categorically say there are no agreements being contemplated at this time. I actually would hope that the Musharraf government is looking at all means to stabilize the region.

Mr. REYES [presiding]. Thank you, Mr. Tierney.

Mr. Ruppersberger.

Mr. RUPPERSBERGER. There has been a lot said today, a lot of questions. I hope I am not repetitive. I had to be at another hearing and on the floor. I want to focus, I guess, and I am not sure who on the panel could answer the question, about the issue of terrorism on our borders.

I think, if you look at the history and where we are now, when we went into Iraq, there were really no terrorists in Iraq at that time. Al Qaeda, if they were, I think Saddam Hussein probably would have killed them. Now I think we can all say that with all the issues that are going on, that Iraq has been a training ground for al Qaeda and is very serious.

The way I see the situation, and I have been there four times, is, you have Sunni-Shi'a, and is almost as if we are the security guards for the Iraqi government in Iraq right now. And then you have al Qaeda there throwing bombs and doing whatever needs to be done. I think clearly that the strategy has to change in Iraq, and there are different opinions on that.

I heard the President on the radio this morning, and I think, unfortunately, he made the argument that we need to stay in Iraq because that is going to protect us from an attack on our shores.

Well, al Qaeda is throughout the world right now. I think it is a very radical organization, and they recruit people throughout the world.

I am very concerned about the threats in the United States. I believe that one of the reasons we haven't had an attack is that al Qaeda has been focused in a lot of areas, and they want a big attack in the United States, an attack that is possibly some type of nuclear attack. The only way we are going to stop that, I believe, is through good intelligence.

My concern is, do we have the resources, from an international level, which is what CIA and NSA are doing, to get back to the United States, to our Federal, State and local? FBI, who is really in charge; I think the Joint Terrorism Task Force (JTTF) is probably the best resource we have to stop the terrorism. The FBI is attempting to set up their own intelligence, the national security branch. But I am very concerned they are not where they need to be yet. They have good leadership there, but they need a lot of resources, and what makes it work is Federal, State and local.

My question is, right now, we know that when eventually we leave Iraq, hopefully sooner than later, that Sunni and Shi'a are going to still be having their issues, but al Qaeda that are trained might come over to our borders and threaten us. What are we doing to make sure that we are getting the resources, the intelligence to our Federal, State and local, that we are identifying the cells in the United States.

I will say one other thing; then maybe you can answer the question. The only way we are going to ever deal with the issue of terrorism, we are not going to be able to fight our way out of it; we are going to have to get the Muslim community throughout the world and let them come out and say, God does not want you to kill, that there is a one percent or less of Islam that is basically hurting our religion, and we are going to have to rally; that is the way we are going to stop this terrorism down the road.

Getting back to the United States, we have Muslim Sunnis here, very active in the communities, do a lot. But they have children who have been in a very insular society and yet have gone to public schools. I am sure they have an issue with what we do in this country.

What are we doing to help get the intelligence to our FBI and our State and locals in the United States?

Mr. LIEPMAN. Congressman, NCTC was formed partly as a result of the 9/11 and WMD Commissions, and Congress passed the Intelligence Reform and Terrorism Prevention Act (IRTPA). One of the primary motivations in that was to improve the latch-up between our foreign intelligence operations at CIA and DIA and such, and our law enforcement, FBI, DHS. And I see every day analysts from the law enforcement side and the foreign intelligence side sitting side by side with access to each other's information. We are certainly not perfect yet. We are still breaking through some stovepipes. But I think the sharing environment between the two main communities is better than it has ever been. We, in fact, are launching right now a new endeavor to make available Federal products to our State and local and tribal partners. We do that entirely through the DHS and the FBI. We need to be careful that

we give them the information that is useful and we not flood them with the amount of information that is available.

Mr. RUPPERSBERGER. Do we have the resources that are necessary? There is so much money going to Iraq. Do we have the resources to deal with that? That is my last question because the red light came on.

Mr. LIEPMAN. We are doing pretty well on that. Congress has been quite generous to us so far.

Mr. RUPPERSBERGER. And the communication between FBI and Homeland Security.

Mr. REYES. Thank you, Mr. Ruppersberger.

Ms. Eshoo.

Ms. ESHOO. Thank you. Thank you to the witnesses for your answers today but, most importantly, for your service to our country. I can't help but think that you all in the positions that you hold are trapped in a bad policy, trapped in a bad policy.

As we examine the impacts of the key judgments in the NIE, I believe it directs itself toward that. Now there is a huge fall-off, as has been stated earlier this afternoon, between the NIE of this year, of 2007, and the previous one. I think everyone in this room and everyone in the country, regardless of what their political affiliation is, would agree that the statement in this NIE that al Qaeda has, quote, protected or regenerated key elements of its homeland attack capability, is bad news for our country.

I want to get to a couple of areas of questioning relative to the NIE and the resources that are appropriated by us that you have and how they are being used to address this. But I first want to make an observation, before I get to that, on what some of my colleagues have put forward today, which is really very, very troubling, and I think misleading. It has been suggested that we are blind, the term we are blind in terms of intelligence on al Qaeda because of FISA.

Now the first question that comes to my mind is, how indeed could this NIE have been put forward if in fact we are blind? Does anyone on the panel believe that we are blind?

Secretary CLAPPER. No, ma'am.

Ms. ESHOO. That is the term that has been used. Does anyone believe that we are blind?

Does anyone believe that we are blind?

No one.

I mean, it is very important to get down on the record, because I think it is a disservice to what all of you do, first of all, to suggest that. And we know better because fear is the most powerful of human emotions. We owe more to the American people than just trying to scare the hell out of them and say after all of the expenditure of life and limb and the investment that the American people are now making, $10 billion a month in Iraq alone, that we are blind. So thank you for your observation on that.

Now let me get to resources.

The NCTC. I would like you to tell the committee how many people you have devoted to the shortfall that the DNI or the gap that the DNI has spoken of. How many actual people do you have devoted to this?

Mr. LEIPMAN. I am not sure which shortfall we are talking about. We currently have 400, slightly more than 400 government workers in NCTC.

Ms. ESHOO. I am not asking you how many you have in your agency. I am asking you how many you have working on your intelligence portion of what the committee hearing is about today to secure the intelligence. This is about the NIE. This is a startling NIE.

Mr. LEIPMAN. Ma'am, we have 230 analysts right now. All of them work on terrorism, the majority of whom focus on the nexus of foreign intelligence and domestic threat.

Ms. ESHOO. Well, in a secured setting, those are not the numbers that we received.

To General Clapper, it is nice to see you again. Can you tell us about the resources, how you break down your resources and use them in this area?

Secretary CLAPPER. Well, the totality of the resources apart from NCTC, or there are other organizations.

Ms. ESHOO. The context—my direct question was the DNI has said that there is a gap in the ability to track terrorists' communications. So how many people, both at NCTC and in your agency, General Clapper, do you have on this?

Secretary CLAPPER. Well, I think to be perfectly accurate about this, to include the population of NSA, which we shouldn't discuss that in open session anyway, and we would have to research that. And so I would like to take that for the record.

[The information referred to can be found in the Appendix on page 109.]

Ms. ESHOO. Is that the same for NCTC?

Mr. LEIPMAN. Yes, ma'am.

Ms. ESHOO. Let me ask the following question.

There is $10 billion being spent in Iraq per month. What would—what amount of that and what impact would it have relative to what the NIE describes as the huge challenge that we have today in Pakistan?

Secretary CLAPPER. If I understand your question, ma'am, of the money that is being expended in Iraq on a monthly basis and if that were used for some other purpose; is that your question.

Ms. ESHOO. Well, again, the hearing today is on the implications of the NIE regarding al Qaeda. Now, the NIE, in its unclassified summary with the key elements in it, directs itself to what we know we have been talking about here today.

I believe that what we are doing in Iraq has really brought us to the descriptions that are in this NIE. That doesn't seem to be the policy of our country because of the administration.

So given what the NIE has described, I would like to have an application of $10 billion to what the NIE directs itself toward, and the description of America's enemies and where they are growing and posing that much more of a threat to our country.

Secretary CLAPPER. Well, a part of that threat emanates from Iraq. I mean, we have to—as we discussed earlier, we need to take on al Qaeda wherever it is. It happens right now that one of the places that it is present is in Iraq.

Ms. ESHOO. Let me ask it this way.

Mr. REYES [presiding]. Can you wrap it up?

Ms. ESHOO. Mr. Chairman, I have been here since early this afternoon. I just want to finish with this question.

Mr. REYES. I have, too.

Ms. ESHOO. In terms of al Qaeda, which is a—there are many franchises. They are all over the world. They are limber. They are entrepreneurial. And the NIE describes the kind of threat that they are posing not only in Iraq, AQI, that is now growing, but elsewhere. What percentage of this overall world al Qaeda threat is in Iraq? What percentage do you attribute to Pakistan? And then what to other countries?

Secretary CLAPPER. I believe, again, it would probably be best served to research that in the interest of accuracy and get that and provide that for the record.

If you are talking about our estimates on the population of al Qaeda in various countries, if that is what you are——

Ms. ESHOO. It seems to me we assign resources to priorities. So I just want to know how you broke down the percentage.

Thank you.

[The information referred to is classified and retained in the committee files.]

Mr. REYES. Mr. Johnson.

Mr. JOHNSON. Thank you. I really like the analogy that the gentleman from Georgia used earlier about cancer. And on 9/11, we discovered a big cancer, and we went after the root causes of the cancer. We went into a place that was a safe haven for al Qaeda, and it was Afghanistan, and we rooted out and ran off the Taliban who had provided the safe haven for al Qaeda; isn't that correct?

Mr. LEIPMAN. Yes, sir. That is correct.

Mr. JOHNSON. And it was not Iraq that was providing the safe haven; it was Afghanistan, correct?

Mr. LEIPMAN. That is correct.

Mr. JOHNSON. But then we have a misdiagnosis that took place. We had already diagnosed the cancer, and then we got a diagnosis of high blood pressure emanating from Iraq. We were told that Iraq was the place where—had a relationship with al Qaeda. We found out that that was not true. Misdiagnosis. We were told that there were weapons of mass destruction. That was not true. We were told that there was an attempt to obtain nuclear materials from Niger, and that turned out to not be true.

And then instead of doing follow-up treatments for the cancer in Afghanistan, we then shifted our focus into treating the high blood pressure that was not even—which was a misdiagnosis, and we then enabled the cancer to spread to other organs.

And so now we have a situation where, because we took our attention off of clearing up the residual cancer, if you will, down in Afghanistan that had been run off into the mountains of Pakistan, now we got a resurgence of the situation with both the Taliban and Afghanistan in Pakistan.

And it really was not this agreement on September the 5th that President Musharraf of Pakistan signed with the tribal elders that led to the resurgence of this cancer, was it? Because that had started a long time ago when we shifted our attention to the misdiagnosis.

Am I speaking correctly here or what?

Ms. LONG. Congressman, if I may, I am not going to—I went to law school, not medical school.

Mr. JOHNSON. Me, too.

Ms. LONG. I do think it is important to note that shift of focus or not, it is important to remember that we have had about—I think we believe we currently have some 23,600 U.S. troops in Afghanistan along with our 26 NATO partners as well as the Coalition members, so we have never——

Mr. JOHNSON. We have got roughly about 145,000 troops now bogged down in a civil war in Iraq. And in that war in Iraq, we have fostered more terrorist development.

And so I say these things to just point out the fact that the American people don't really have a lot of confidence in this Administration to actually confront the issues that are addressed in the National Intelligence Estimate that has been compiled by you all, and we appreciate the great work that you have done.

But let me ask you in terms of al Qaeda's ability to obtain chemical, biological, radiological or nuclear (CBRN) material, what are those prospects now, and has our government been preparing for the possibility that those kinds of attacks could be levied upon the American people inside the boundaries of the United States of America?

Mr. VERGA. Al Qaeda has the stated objective of obtaining weapons of mass destruction, chemical, biological, radiological, nuclear materials. Even before the NIE came out, we recognized that as a threat.

We have had—in 1996 there was a Defense Against Weapons of Mass Destruction Act that was passed that the Department of Defense has been doing for training in about 120 cities around the country. The Congress has authorized and funded 55 National Guard weapons of mass destruction civil support teams—excuse me, 52 of which are now operational. The other three will be operational shortly.

United States Northern Command and the Secretary of Defense has authorized them, a force package necessary to respond to a CBRN attack inside the United States.

So the short answer to your question is yes, we recognize the threat and yes, we have been preparing to deal with it.

Mr. JOHNSON. Thank you.

The CHAIRMAN. Thank you.

The gentleman from New Jersey, Mr. Saxton, has a question and the gentleman from Texas has a question, and then we will, with the agreement of the Chairman of the Intelligence Committee, we will then go into a closed session which will be in room 2212.

All right. Mr. Saxton, then Mr. Reyes.

Mr. SAXTON. I just want to take one minute to thank you for holding this hearing and to express my great appreciation for the time the witnesses have spent with us testifying here today, and thank you all for the job that you are doing, which is a very, very difficult one.

I will never forget being in this room in 1990 when the Secretary of Defense came here and said, I have got good news and bad news.

He said the good news is the Soviet Union is going to go away. The bad news is the threat isn't. It is just going to change.

And unfortunately he—fortunately he suggested, unfortunately we never carried through with making the changes that were necessary to meet the new threat, because we didn't know what the new threat was going to be, nor did anybody else in this country, until well into the 1990's.

And so what you have heard today from some of the members is a level of frustration, not so much from those of us who lived through the 1990's and 2001 here in this room and in the adjoining rooms, but from folks who got into this, came a little bit later than those of us who had the opportunity to watch the changes manifest themselves and to deal with the frustrations of trying to change our political structure, the structure of our Administration, the structure of our intelligence-gathering apparatus and the structure of our military. Keeping in mind that the only military people who train for this mission were people numbering about 40,000 who happened to belong to the Special Operations Command. The rest of our military was configured for a completely different mission.

And so I appreciate the frustration that I hear from some of our colleagues, but I just wanted you to know that those of us who have perhaps lived through this in a different setting than some others understand how difficult it is to change and how difficult it is to meet this new threat.

And there are lots of analogies that can be used which I will save for another time.

But thank you for what you do.

The CHAIRMAN. Thank the gentleman.

Mr. Reyes.

Mr. REYES. I just want to quickly wrap up by—I also want to echo my good friend from Jersey's comments thanking you for your service, because I know you have been here a long time this afternoon, and it has to be frustrating knowing the challenge that we face in trying to figure out how can we best apply the precious resources that we have.

But I have—in March I was in Afghanistan with General McNeal, and at the time we were talking about the reported spring offensive that was—that the Taliban had threatened to charge, to implement. And he told us that he had asked for additional troops, and the answer had been "no" because of Iraq, because we were using all of the available troops in Iraq. And so there were no reinforcements.

I mention that because there are real consequences to what Mr. Johnson and others have said about the effort that is taking up precious resources in Iraq versus our ability to support Afghanistan the way at least General McNeal and others would like.

The other thing that the—the other comment that I have is it is my understanding, General Clapper, that it is a well-known fact that Osama bin Laden and Zawahiri do not communicate by any means that we would be able to intercept using our FISA capabilities; is that true or not?

Secretary CLAPPER. Well, to the best of our knowledge, we believe that they use couriers or some other means, but they are certainly very OPSEC, operation security conscious.

Mr. REYES. Just very quickly. Where are they on our target list? Are they—are they in the top 10 or——

Secretary CLAPPER. They are still considered very high priority.

Mr. REYES. Thank you.

And thank you again, and, Mr. Chairman, I yield back.

The CHAIRMAN. I thank the gentleman.

Let me thank the members of the Intelligence Committee, members of the Armed Services Committee that have been here today, and special thanks to the panel. And I want to say publicly, we appreciate your service and your being with us today, and some of the questions have been difficult. We appreciate your candor and your answers.

So then, without objection, we will close this part of the hearing and go to room 2212. But you have to get into 2212 through next door, 2216.

So don't get lost between here and there in the middle, and we will take that up in just a few minutes.

[Whereupon, at 4:30 p.m., the committees proceeded in closed session.]

A P P E N D I X

JULY 25, 2007

PREPARED STATEMENTS SUBMITTED FOR THE RECORD

JULY 25, 2007

Chairman Ike Skelton
Opening Statement
Joint HPSCI/HASC Hearing on Implications of the National Intelligence Estimate "The Terrorist Threat to the US Homeland" and Al Qaeda

July 25, 2007

"Let me welcome today's panelists: General Clapper; Secretary Long; Secretary Verga; Mr. Leiter; and Mr. Gistaro. Thank you for joining us.

"The committee convenes today to examine and discuss the implications of the recent National Intelligence Estimate, or NIE. We are joined by and welcome our colleagues on the Intelligence Committee.

"The NIE is entitled, "The Terrorist Threat to the U.S. Homeland." The unclassified Key Judgments contained within include a pronouncement that the most persistent threat facing the U.S. homeland over the next three years is one posed by terrorists, and especially al-Qaeda.

"As a nation, we find ourselves in this strategic situation after pouring billions of dollars and thousands of troops into Iraq. This tremendous sacrifice has diverted our nation from the real war on terror and subjected the nation to an unacceptable level of strategic risk. This committee has spent a great deal of time looking at the strain on our servicemembers and on our equipment. We are tasked with ensuring that our military is ready to respond to the next contingency wherever it may occur.

"But we must also ensure that we can deal with today's threats. And I am deeply concerned that we have not paid sufficient attention to the places that threat is most real.

"Chasing windmills has kept our eye off of the more important struggle, the one with roots in Afghanistan.

"The recent NIE paints this picture clearly—an unstable region within the borders of Pakistan. It describes a strong and resurgent al-Qaeda; and it warns of a heightened threat environment – one that is, in my humble opinion, unworthy of a superpower.

"In short, the news is not good.

"We've asked today's panelists to join us for a discussion about the scope of the NIE, its assumptions, and its implications for our nation. As Chairman of the Armed Services Committee, I am also concerned about its implications for the Department of Defense:

- Must we re-examine DOD's force posture?
- Must we reassess DOD's modernization priorities?
- Or, must we revamp the Department's policies in order to address the near-term threat scenario?

"These are the most pressing questions in my mind; and I look forward to further examination.

"Let me recognize the Chairman of the Intelligence Committee, Mr. Reyes, for any comments he may have."

Opening Statement for Chairman Silvestre Reyes
Joint HPSCI/HASC Hearing on Implications of the National Intelligence Estimate "The Terrorist Threat to the US Homeland" and Al Qaeda
July 25, 2007

Good afternoon. As Chairman of the House Permanent Select Committee on Intelligence, I am pleased at this opportunity to conduct our work in open session, and to convene a hearing with my colleagues on the House Armed Services Committee. Especially since I also serve as a member of the Armed Services Committee, I know how closely our committees work together to safeguard our nation and empower our military and intelligence professionals. When focusing on an issue as important as Al Qaeda, which is the topic of today's hearing, it is critical that our committees work together closely. I thank my good friend and colleague Ike Skelton, the Chairman of the House Armed Services Committee, for his leadership and partnership, as well as our two Ranking Members, Mr. Hunter and Mr. Hoekstra.

Today, we will specifically focus on the resurgence of Al Qaeda as reflected in the July 2007 National Intelligence Estimate "The Terrorist Threat to the US Homeland." I would like to thank our witnesses for joining us here today. Your testimony will help our committees work together to examine this critical issue. Our efforts to defeat Al Qaeda and protect our nation are not separate intelligence or military issues. In order to defeat this most urgent threat, all instruments of national power must work together seamlessly. This joint hearing reflects that approach.

Four years ago, President Bush told the American people that Al Qaeda was "on the run" and that "they're not a problem anymore." However, the NIE released earlier this month indicates that today, our Intelligence Community believes otherwise. The NIE states that the U.S. homeland will face a "persistent and evolving terrorist threat over the next three years," and that Al

Qaeda has "regenerated key elements of its Homeland attack capability."

Essentially, the NIE reflects that Al Qaeda is not just a problem, but the most serious threat to our nation's security. This is a grave issue, and it is critical that Congress know how our country can protect itself and ensure this does not happen again.

One of our main challenges is that, while the Bush Administration assumed Al Qaeda was no longer a threat, the Administration has focused our resources in Iraq. This war, which costs the American people approximately $10 billion a month, has diverted needed funds and personnel from eliminating the threat of Al Qaeda. The NIE, however, points out that the Al Qaeda threat emanates from Afghanistan and Pakistan, not Iraq. And the United States has missed critical opportunities to address that threat.

Moreover, there are signs that the War in Iraq has had an even greater negative impact. It appears that our presence in Iraq may actually be helping Al Qaeda. As the 2006 National Intelligence Estimate on terrorism noted, the War in Iraq has become a recruiting tool and training ground for terrorists. And, as the new NIE assesses, Al Qaeda's association with "Al Qaeda in Iraq" helps Al Qaeda raise funds and recruit operatives, including for attacks against the United States.

These are critically important issues to the American public, and I look forward to a productive hearing today that will not only tell us more about the threat laid out in the NIE, but how we can best fight this threat more effectively. The men and women of the U.S. intelligence community, the men and women of the U.S. armed forces, and the American public as a whole, deserve this careful consideration.

Finally, as I have consistently noted since assuming the Chairmanship of the House Intelligence Committee, the threat of terrorism is not a political issue. There is no room for partisan politics in the realm of national security. I look forward to working with ALL of my colleagues, both Republicans and Democrats, to further safeguard our nation. And, as always, I invite them all to work with me.

Thank you all again for joining us today, and thank you to the Members of our respective committees who are here as well. I would now like to introduce the Ranking Member of the Intelligence Committee, Mr. Hoekstra.

Opening Statement of Ranking Member Duncan Hunter,
Committee on Armed Services,
for the Joint Hearing on the Homeland Security Threat
Posed by al-Qaeda and Its Affiliate in Iraq,
July 25, 2007

"Thank you to our Chairman, Ike Skelton, and the Chairman of the House Intelligence Committee, Silvestre Reyes, for holding this hearing on a topic that is critical to both of our committees. Second, I would like to welcome our witnesses from the Department of Defense and the Intelligence Community who will address the recent National Intelligence Estimate. Over the last week, we have been bombarded by public statements that have blatantly ignored or misrepresented the findings in the latest National Intelligence Estimate. Your testimony is therefore both timely and welcome as it should correct the many misstatements that are currently circulating about the assessments of the community's intelligence analysts as stated in the National Intelligence Estimate.

"Before we discuss the National Intelligence Estimate and how it impacts our nation's strategy to confront the threat of terrorism, I would like to talk briefly about perspective—about why we must remain vigilant in our fight against terrorism. In short: 'The enemy has been waging a war against our values and goals for more than a decade. The enemy brought the fight to our soil and threatens the homeland. We have waged an offensive on many fronts to defeat the enemy and remove the threat he poses. Yet the enemy is resurgent despite our efforts.'

"I believe this summary captures what the intelligence community, policy makers, and other experts have said about the al-Qaeda threat, and what many will point to as the most important finding in the National Intelligence Estimate—that al-Qaeda is 'resurgent.'

"As we discuss the terrorist threats confronting our homeland, we will examine our security strategy based on what the enemy has been doing and could possibly do.

However, we cannot lose sight that the summary I provided is very much the same view of the situation as al-Qaeda's.

"From Osama Bin Laden's warped perspective, the West is a hostile entity that warrants destruction because our values and ideals run counter to his. But, we denied him his safe haven in Afghanistan; we took the fight to him. We continue to support the Iraqi and Afghan people in defending their countries from those who would destroy it, especially al-Qaeda. For example, Bin Laden views our support to the Iraqi people as tantamount to removal of the Caliphate's 'homeland'—although we are seeing more and more Iraqis reject Bin Laden's designs for their country and al-Qaeda's presence there.

"Remember that in 2004, Osama Bin Laden said, 'The world's millstone and pillar is in Baghdad, the capital of the caliphate…' And later, Ayman al-Zawahiri, al-Qaeda's number two and principal strategist, clearly laid out al-Qaeda's strategy for Iraq: 'The first stage: Expel the Americans from Iraq. The second stage: Establish an Islamic authority or emirate, then develop it and support it until it achieves the level of a caliphate… The third stage: Extend the jihad wave to the secular countries neighboring Iraq.'

"Al-Qaeda has been waging an offensive against us and our values for many years, and the group's clearly stated desire is to see us—the West and the freedom we represent—defeated and destroyed. Osama Bin Laden's view of the importance of Iraq has never wavered nor his desire to attack us again on our soil. Yet, despite al-Qaeda's efforts to break our will, we are also 'resurgent' in their view and continue to deny the very opportunities Bin Laden hopes to exploit. The recent surge in Iraq, our continued strong military presence in Afghanistan, and our unwavering dedication to the Iraqi and Afghan people, have pushed al-Qaeda back. Our worldwide efforts, as mentioned in the National Intelligence Estimate, have constrained al-Qaeda and its operations.

"We must put today's discussion in perspective. We have work to do. I am greatly concerned with al-Qaeda's resurgence in the Pakistani tribal area of North Waziristan

and expressed my concern in a February letter to the President. In al-Qaeda, we are facing a determined, persistent foe who demands our continued dedication and resolve. Al-Qaeda poses a continuing and grave threat to our nation, and we cannot focus our efforts solely on the group's physical base in the border region of Afghanistan and Pakistan or in Iraq. It seeks to export violence from those regions, not just to neighboring countries but also to the U.S. homeland. It seeks to inspire violent cells in Europe, Africa, Asia, and the United States. It seeks to use cyberspace and emerging technologies to facilitate its operations. It seeks to terrorize our nations with violence. But most of all, al-Qaeda seeks to break our will. And that is something we cannot allow. We have a say in what happens, and we cannot limit our perspective on the threats that we face and the impact we can have on those threats.

"I look forward to the testimony and discussion today's hearing offers, especially as we hear about the actual assessments found in the National Intelligence Estimate, not the many misstatements circulating in the press. As the National Intelligence Estimate rightly states, Al Qaeda poses the greatest terrorist threat to our nation, but the Estimate addresses a much broader range of terrorist groups and threats, and I truly hope we will examine the overall terrorist assessment and what we can do to address the myriad threats we face. Let us not limit our perspective and discussion to a narrow portion of this very important subject."

Opening Statement
By the Honorable Peter Hoekstra
Ranking Member
House Permanent Select Committee on Intelligence
July 25, 20007

Thank you Chairman Skelton, Chairman Reyes and Ranking Member Hunter. I would also like to thank the witnesses for appearing before us today.

Mr. Chairman, I want to start out today by pointing to a critical piece of intelligence, perhaps the most important piece of actionable intelligence written in the unclassified NIE. It reads, "We judge that the United States currently is in a heightened threat environment."

When you read a statement like this, it's impossible to not have thoughts turn to 9/11 and that fateful morning when al-Qaeda attacked the United States in a way it could no longer ignore. I think of what I felt that day, and I think of my family, and the families who lost loved ones as our nation watched, aghast, as the attack and its aftermath played out live on TV.

And when I think of all of this, I cannot help but ask, "Have we as a Congress done all we can to strengthen our intelligence capabilities to protect our homeland? Have we sufficiently prepared the nation for the long struggle we face in the fight against radical jihad?"

Unfortunately, Mr. Chairman, I believe the answer to these questions is no. And though I wish it, I fail to see how today's hearing helps in this regards.

We have assembled before us top officials of DoD intelligence and counterterrorism, and for the next several hours we will subject them to all manner of speeches and tedious questioning while ignoring the one critical area the Director of National Intelligence has told us needs our attention most: The comprehensive modernization of the Foreign Intelligence Surveillance Act.

Testifying before the Senate Select Committee on Intelligence Director McConnell explained the problem thusly:

"[T]here are circumstances in which the Government seeks to monitor, for purposes of protecting the nation from terrorist attack, the communications of **foreign** persons, who are physically located in **foreign** countries, [and] the government is required under FISA to obtain a court order to authorize this collection."

Further explaining the challenge, Director McConnell has stated, "We are missing a significant portion of what we should be getting."

The Director of National Intelligence is telling us we are missing vital intelligence that our nation should be collecting to protect our homeland.

The NIE is telling us, "We judge that the United States currently is in a heightened threat environment."

This is a call for action; this is a wakeup call for America! At a time of increased threat, we are handicapping ourselves in the fight against al-Qaeda and radical jihadism!

The hearing we should be having right now—that we should've had already—is one on moving legislation to fix the FISA problem and close the terrorist loophole.

We don't need another hearing on the history of FISA and the NSA's Terrorist Surveillance Program, and we don't need another hearing for Members to restate already well stated positions on Iraq under the guise of an intelligence hearing on Iraq.

We have a known intelligence problem, we face a heightened terrorist risk, we have a simple fix to address one of the major FISA problems and we have over a week before Congress goes on August recess. Al-Qaeda is not going to stop its efforts to attack America and our interests

in August, shouldn't Congress do everything possible before then to stop them?

In video released on July 5th entitled, "The Advice of One Concerned," Ayman al-Zawahiri lays out al-Qaeda's strategy, which is built on the notion that in this world, there are outlying states, in places such as Asia, Africa, Latin America and other parts of the world, and there are the core states that are at the center of the global system: America and the European Union.

On the tape, Dr. Abdullah al-Nafisi states, "the only way to confront them--according to al-Qaeda's theory--is by taking the war from the outlying states to the central states, in which case, the damage and consequences of this damage will all take place in the central states."

In other words, Al-Qaeda's strategy is focused on attacking us here in America and our allies in Europe.

Zawahiri further states al-Qaeda's, "plan consists of targeting Crusader-Jewish interests … in our country and theirs, in Iraq, Afghanistan, Palestine and Somalia, and everywhere we are able to strike their interests."

The tale of the tape is clear. Al-Qaeda believes it is winning in Iraq, laying the foundation for a post-America Caliphate with its center

there, and ultimately extending the "jihad wave" to the rest of the world.

If al-Qaeda intends to fight us globally and here in the homeland, then we must be prepared to do the same. We cannot expect to leave one part of the battlefield without consequence on another part. In short, it is my fear that if we precipitously leave Iraq, al-Qaeda has every intention of following us home.

With that Mr. Chairman, I look forward to hearing what the witnesses have to say about the NIE's key judgment that we face a heightened terrorist risk, what challenges the intelligence community faces in collecting against the terrorist threat, what they are doing to address those challenges and any recommendations they have for Congress to strengthen our intelligence capabilities against the terrorist threat.

The Honorable Loretta Sanchez
House Permanent Select Committee on Intelligence and House Armed Services Committee
Hearing on "Implications of the NIE: The Terrorism Threat to the US Homeland"
July 25, 2007

Good afternoon.

Earlier this week I received a letter from the Director of National Intelligence's Office of Legislative Affairs refusing to allow the National Counter Terrorism Center (NCTC) to testify at a hearing that I am planning to hold next week in my role as Chairwoman of the Homeland Security Subcommittee on Border, Maritime and Global Counter Terrorism.

This hearing is on "Homeland Security Beyond Our Borders: Examining the Status of Counterterrorism Coordination Overseas".

In fact, the Director of National Intelligence's legislative affairs office told one of my staffers that the NCTC does not have any type of central or organizing role in global counter terrorism. In addition, NCTC claimed that they would be unable to provide any testimony in an open hearing.

So imagine my surprise to see that we have Mr. Leiter, the deputy director of the NCTC testifying in an open hearing and submitting testimony discussing NCTC's statutory responsibility to conduct strategic operational planning for the war on terror for the entire United States government, which does in fact include the Department of Homeland Security.

It is that exact strategic operational planning function that I requested testimony on.

I'm interested in learning more about how NCTC coordinates with the Department of Homeland Security and their various agencies with law enforcement functions to enhance global counter terrorism activities.

- I would appreciate an elaboration on your testimony about NCTC's work with the Department of Homeland Security.

I strongly urge NCTC to reconsider their refusal to testify at my subcommittee hearing, and I look forward to hearing from NCTC on these issues.

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AND
THE HOUSE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

Statement by
The Honorable James R. Clapper, Jr.
Undersecretary of Defense for Intelligence

Before the 110th Congress
Committee on Armed Services
And
Permanent Select Committee on Intelligence
United States House of Representatives

July 25, 2007

INTRODUCTION

Chairman Skelton, Chairman Reyes, Congressman Hunter, Congressman Hoekstra, distinguished members of the Committees: Thank you for your strong support for the brave men and women in uniform of the Department of Defense who so courageously serve the nation. And thank you for the opportunity to meet with you this morning to discuss the implications of the National Intelligence Estimate on the Terrorist Threat to the Homeland.

On September 20, 2001, the President, in his joint address to Congress and the American people, said, "We will direct every resource at our command -- every means of diplomacy, every tool of intelligence, every instrument of law enforcement, every financial influence, and every necessary weapon of war -- to the disruption and to the defeat of the global terror network...Americans should not expect one battle, but a lengthy campaign, unlike any other we have ever seen. It may include dramatic strikes, visible on TV, and covert operations, secret even in success."

Today, nearly six years later, there hasn't been a successful attack on our homeland. This is not for a lack of will on the part of our enemy. While al Qaeda and those inspired by its extremist ideology have carried out terrorist attacks in more than two dozen nations since 9/11, they have thus far not succeeded in attacking us in spite of their continued plotting. As the NIE states, our countermeasures "have helped disrupt known plots against the United States since 9/11." In addition, our offensive measures have deprived al Qaeda of its comfortable safe haven in Afghanistan in which it could train and indoctrinate large numbers of recruits and plan operations.

However, al Qaeda has, and will continue to, attempt visually dramatic mass casualty attacks here at home, and they will continue to attempt to acquire chemical, biological, radiological, and nuclear materials, which they will not

hesitate to use. As the NIE makes clear, we face a resilient and resourceful enemy who will make every effort to protect and regenerate key elements of its capability to attack us and others. There can be no guarantee that he will not from time to time succeed in attacking us; indeed, over the course of a long war the potential is there.

The President's *National Strategy for Combating Terrorism* is clear on the need to fight our terrorist enemies on the battlefield and to promote freedom and human dignity as alternatives to the terrorists' perverse vision of oppression and totalitarian rule. We are applying all elements of our national power and influence -- military, diplomatic, financial, intelligence and law enforcement – to destroy terrorist networks and confront radical ideology. As the President has said, the best long-term answer to violent extremism is to advance effective democracies.

The National Military Strategic Plan for the War on Terrorism spells out DoD's roles and objectives in this war. For the purpose of this hearing, I want to briefly describe implications of the NIE in three broad areas that are encompassed in this plan:

- Fighting the War on Terror;
- Defending the homeland; and
- Preparing to assist civil authorities in the response to a terrorist attack on the homeland.

FIGHTING THE GLOBAL WAR ON TERROR

Since al Qaeda attacked America nearly six years ago, the U.S. military has been continuously at war, but fighting a conflict that has many characteristics that are markedly different from wars of the past. In this war, our nation's armed forces have been tasked with removing hostile regimes in Iraq and Afghanistan that were sponsors of terrorism. In Afghanistan, a regime that gave sanctuary and

support to al Qaeda as they planned the 9/11 attacks has come to an end. And in Iraq, we removed a cruel dictator who harbored terrorists, paid the families of Palestinian suicide bombers, invaded his neighbors, defied the UN Security Council, and pursued and used weapons of mass destruction. Initially quick military successes in both countries has led to protracted stability and reconstruction campaigns against brutal and adaptive insurgencies.

In other parts of the war, however, the enemies we face are not nation-states but rather dispersed non-state networks. In many cases, actions must occur on many continents in countries with which the United States is not at war. Unlike the image many have of war, this struggle cannot be won by military force alone, or even principally. And it is a struggle that will likely last for years to come.

In this war, like in any other major conflict, we have to expect that there will be reverses as well as successes. The enemy will react and adapt to what we do and search out new opportunities, tactics, methods and weapons. A war is not an engineering project, in which all the tasks and challenges can be laid out ahead of time and accomplished according to a pre-determined schedule. As the troops say, "the enemy gets a vote."

The NIE highlights one such way in which the enemy has adapted: in response to its loss of Afghanistan: it has reconstituted some of its command and support network in the Federally Administered Tribal Areas (FATA) along the Pakistan-Afghanistan border.

This is a wild and remote area over which the government of Pakistan (and the British before them) has never fully gained control. President Musharraf has tried various approaches to dealing with this problem, and has lost about 500 personnel in the process of trying to establish law and order in the FATA. Musharraf has also tried political measures to eliminate al Qaeda and the Taliban from the FATA, including making a deal with the local tribal leaders in one of the

agencies under which they prevent the use of their territory as a launching pad for attacks into Afghanistan. This agreement, the North Waziristan Agreement, has not been successful, as the Pakistani government admits. While one could debate the wisdom of trying to conclude such agreements, I don't think it is fair to charge Musharraf with being ignorant of the problem or being unwilling to deal with it. If only because of their various attempts to assassinate him, and the loss of hundreds of his soldiers, he clearly understands the extremist threat.

Because of recent events, we expect President Musharraf to become much more active in addressing this problem. We have taken, and continue to take, a number of steps to help him, including:

- Funding, through the useful vehicle of Coalition Support Funds, much of the operating costs of Pakistani security forces conducting counter-terrorist operations in the Federally Administered Tribal Areas and elsewhere on the Pakistani border with Afghanistan,
- Providing 24 Bell helicopters and air assault training to Pakistani security forces so they can operate rapidly and effectively in the FATA and other remote regions,
- Providing key night vision capability, including equipment and training, to enable helicopter pilots of the Pakistani Army to pursue terrorists around the clock,
- Transferring $110 million to the Department of State to support economic development in the FATA. This effort will help strike at the root causes of terrorism.
- Congress was instrumental in providing support for all of these measures, and its support for the authorization to transfer funds to the State Department was particularly helpful.

The recent Red Mosque crisis has heightened the extremist Islamist threat in Pakistan, and brought the struggle between extremists and the mainstream to the fore. The behavior of the extremists who had been holed up in the mosque highlighted the threat, and extremists based in the border areas have taken both the stepped up Pakistani Army presence in the FATA and along the border as well as the storming of the mosque as a pretext for resuming terrorist attacks on the Pakistani security forces.

At the same time, there are signs of a reaction against the extremists. On April 17, 2007, a convention attended by over 2,000 Pakistani religious figures in Peshawar, the capital of Pakistan's ethnically Pashtun North-West Frontier Province (which includes the FATA), proclaimed that suicide bombings were against Islam and condemned the forcible implementation and enforcement of Shari'a (Islamic Law). Also, internal disputes in Pakistan's tribal agency of South Waziristan recently erupted into conflict between Taliban-allied local tribes and al Qaeda-allied Central Asian groups, mostly Uzbeks. Uzbek forces offended local Pashtun groups by their criminal activity and insensitivity to local tribal customs, resulting in open warfare between locals and Central Asian fighters.

I've noted that the NIE describes a resilient and resourceful enemy who will adapt to circumstances. Yet a full assessment should also look at the enemy's weaknesses and vulnerabilities. At the strategic level, I think his greatest weakness is his tendency to overreach; perhaps not surprisingly, a movement that fosters a cult of violence and death has difficulty restraining itself when violence is not in its best interests.

In Iraq, for example, al Qaeda in Iraq's excessive violence – directed not only against Shi'a civilians but against fellow Sunnis, including insurgents, who failed to toe the al Qaeda line -- has resulted in a backlash. Iraqis in Anbar province made common cause with U.S. and Iraqi security forces against al Qaeda's attempt to convince Iraq's Sunni Arabs that its objective of an Islamic

State of Iraq (ISI) is the only alternative to the Shia-dominated Iraqi Government. Even insurgent groups such as the Islamic Army in Iraq openly rejected the ISI and criticized them as a foreign terrorist group that has divided Iraqi society. Inspired by successes in the Anbar province, other provinces such as Diyala, northeast of Baghdad, mobilized against the ISI, who by then were on the run in Anbar.

Similarly, in Saudi Arabia, terrorist attacks in May 2003 energized the government, which has cracked down on salafi-jihadis and "deviants" who pervert Islam to preach violence. To confront extremist ideology within the Kingdom, the Saudis have been working with religious leaders to eliminate hatred-filled sermons, have passed new regulations in the charitable sector, increased vigilance in the financial sector, and have joined regional initiatives on anti-money laundering and counter-terrorist financing. Some wealthy Saudi donors still fund violent extremists around the world, but steps taken by the ruling family to tackle extremism and terrorism are an important success in the global war on terror.

In Jordan, to take another example, the November 2005 attack on a wedding in Amman turned public opinion against Islamist extremists in a dramatic fashion.

These al Qaeda missteps provide us with a strategic opportunity. In the Department of Defense, our main task in this regard is to help foreign governments counter extremist terrorism and to assist, where appropriate, in their efforts to build up their governmental, as well as security, capacity.

More generally, these missteps provide us an opportunity to wage was has been called the "battle of ideas." Most Muslims do not embrace extremist views of an Osama bin Laden, but, for a long time, the debate within the Muslim world was rather one-sided. The challenge to the U.S. government is not to enter this debate directly, but to support mainstream voices within the Muslim world and to

resist the extremists' attempts to intimidate them. This aspect of the overall struggle has just begun.

Despite its resilience, al Qaeda is weaker today than it would have been if we had not taken strong action against them over the last five-and-a-half years. And we ourselves have become stronger and more capable. Because of the President's commitment to our homeland security, we have more and better intelligence, military and law enforcement resources, and the capability to confront an enemy who is weaker now than it would have been absent our aggressive effort to confront and defeat them.

DEFENDING THE HOMELAND

Here at home, it is the primary mission of the Department of Homeland Security (DHS) to prevent terrorist attacks within the United States, including stopping terrorists from coming across our borders, coming through our ports, or hijacking aircraft inside or outside the United States. The Attorney General leads our Nation's law enforcement effort to detect, prevent, and investigate terrorist activity within the United States. DoD's responsibility is to employ our warfighting capabilities, subject to constitutional and statutory authority, in a military defense of U.S. lives, property, and individual freedom.

To meet emerging threats to the homeland, the Department of Defense is postured to deter, defend against, and defeat threats to the United States in the air, maritime, and land domains.

In the air domain, DoD defends U.S. airspace and protects the nation's air approaches. The air domain is guarded, patrolled, and monitored by the bi-national U.S.-Canada North American Aerospace Defense Command (NORAD). Since the terrorist attacks of September 11, 2001, more than 42,000 fighter, aerial refueling, and airborne early warning sorties have been flown, while more than 2,000 air patrols have responded to actual incidents and suspicious flight

operations. We also have air defense alert fighters positioned throughout the United States and Canada that are capable of reaching major population centers and high-value infrastructure within minutes. The number of alert fighters can be increased or decreased according to emerging threat levels.

We continually adjust our posture in order to protect the National Capitol Region (NCR), the seat of the U.S. Government. The Department conducts irregular air patrols, maintains a dedicated 24-hours-a-day/7-days-a-week alert fighter response based at Andrews Air Force Base, Maryland, and has a dedicated ground missile defense system located to provide around-the-clock coverage for the National Capitol Region. In addition, in 2005, DoD provided the Visual Warning System (VWS) to warn wayward pilots to contact the Federal Aviation Administration (FAA) air traffic controllers immediately and to depart from restricted airspace. We also detailed DoD liaison officers to serve at the Transportation Security Administration-hosted NCR Coordination Center (NCRCC) on a full-time basis and provided key interagency operations centers and the NCRCC access to DoD's classified conferencing capability, which is used for DoD coordination and decision making during the response to hostile domestic air threats.

In addition, DoD has deployed missile interceptors at Fort Greeley, Alaska, and Vandenberg Air Force Base, California, to protect the U.S. homeland from ballistic missile attack even as system development, testing, and fielding continue.

The maritime domain – including international waters, the maritime approaches to the United States, our territorial seas, and other U.S. navigable waters – is guarded by a highly effective partnership between the U.S. Navy and the U.S. Coast Guard. The U.S. Navy defends the sea approaches to the United States and works with the U.S. Coast Guard to patrol international waters and our territorial seas.

Additionally, in multiple theaters in the global war on terror, forward-deployed U.S. Navy assets work with other agencies to identify, track, and intercept threats before they threaten the United States.

On the land domain, in addition to general purpose forces, which can be called upon at any time, DoD has numerous assets ready to directly defend the U.S. homeland and to assist civil authorities:

- Quick Reaction Forces and Rapid Reaction Forces, highly trained U.S. Army and U.S. Marine Corps units, are postured to respond to a wide range of potential threats to the U.S. homeland, including critical infrastructure protection.
- Joint Force Headquarters National Capital Region, based at Fort McNair in Washington, DC, is responsible for land homeland defense, civil support, and consequence management in the National Capital Region.
- Joint Task Force North (JTF-N), headquartered at Fort Bliss, Texas, supports counterdrug, counterterrorism, and other operations to counter transnational threats.
- Joint Task Force Alaska, based at Elmendorf Air Force Base, Alaska, is responsible for land homeland defense and civil support operations in Alaska, and Joint Task Force Homeland Defense, based at Fort Shafter, Hawaii, has these responsibilities in Hawaii and U.S. territories, possessions, and protectorates in the Pacific.

PREPARING TO ASSIST CIVIL AUTHORITIES IN THE RESPONSE TO A TERRORIST ATTACK

Despite all of this, we realize that the enemy only has to be right once, while we must be right every day, all the time. The dark talent of the extremists

today is, as President Bush has said, to combine "new technologies and old hatreds." Their ability to tap into global communications systems turns modern advances against us and turns local conflicts into problems potentially of much wider concern. The interest they have shown in weapons of mass destruction is real and needs to be taken seriously. While the most likely al Qaeda attack method is the use of conventional explosives, intelligence reports and public pronouncements continue to indicate that al Qaeda and other groups are attempting to acquire weapons of mass destruction. And, unlike our enemies during the Cold War, rational nation-states who considered weapons of mass destruction "weapons of last resort," our terrorist enemy today considers such weapons "weapons of first choice." Whether al Qaeda or other transnational terrorists develop weapons of mass destruction or acquire them from rogue nation-states, we can be certain that they will use such weapons against the United States at their first opportunity, especially, if they can, on American soil to kill our citizens, destroy our property, disrupt our economy, and attempt to break our national will to resist their extremist objectives.

The first line of defense against a terrorist weapon of mass destruction attack is the War on Terror, which I have already addressed, and international efforts such as the Proliferation Security Initiative, 80 nations working together to stop shipments of materials related to weapons of mass destruction on land, at sea, and in the air.

Still, we must be prepared for the unthinkable even if such an event would be unacceptable.

Here at home, the Department of Homeland Security is responsible for the coordinated U.S. national effort to prepare for, prevent, protect against, respond to, and recover from terrorist weapons of mass destruction attacks. If a weapons of mass destruction attack should occur within the United States, the Department of Defense (DoD), at the direction of the President or the Secretary of Defense, as

appropriate and consistent with the law and the imperative to maintain military readiness, will provide critical weapons of mass destruction consequence management support to civil authorities as part of the comprehensive national response to a weapons of mass destruction attack.

With few exceptions, DoD's consequence management capabilities are designed for the wartime protection of DoD's personnel and facilities. With the exception of a dedicated command and control element (Joint Task Force Civil Support) and National Guard Weapons of Mass Destruction-Civil Support Teams, DoD relies on dual-capability forces to support civil authorities in domestic CBRNE consequence management. In accordance with the 2005 Strategy for Homeland Defense and Civil Support, DoD "will be prepared to provide forces and capabilities in support of domestic CBRNE consequence management, with an emphasis on preparing for multiple, simultaneous mass casualty incidents."

Military response forces include:

- National Guard Weapons of Mass Destruction - Civil Support Teams (WMD-CSTs). Consisting of 22 high-skilled, full-time members of the Army and Air National Guard who are federally resourced, trained, and certified, and operate under the command and control of a State governor (Title 32, U.S. Code), the WMD-CSTs support civil authorities at a CBRNE incident site by identifying WMD agents/substances, assessing current and projected consequences, advising on effective response measures, and assisting with appropriate requests for State and Federal support. Section 1403 of the Bob Stump National Defense Authorization Act for Fiscal Year 2003 (Public Law 107-314) authorized 55 WMD-CSTs and required DoD to ensure that of these 55 teams there is at least one team established in each State and territory. Currently, 52 of the authorized 55 WMD-CSTs have been certified by the Secretary of

Defense. The remaining three teams, in Guam, Puerto Rico, and the Virgin Islands, are expected to be certified in Fiscal Year 2008.

- National Guard Chemical, Biological, Radiological, Nuclear, and High-Yield Explosive (CBRNE) Enhanced Response Force Packages (CERFPs). The CERFPs are task-organized units with combat support and service support mission essential tasks that, in conjunction with WMD-CSTs, assist local, State, and Federal authorities in CBRNE consequence management (e.g., casualty search and extraction, medical triage, casualty decontamination, and emergency medical treatment). CERFPs are designed to fill the 6-72 hour gap in capabilities between the first response and the Federal response following a CBRNE incident. There are currently 17 CERFPs (California, Colorado, Florida, Georgia, Hawaii, Illinois, Massachusetts, Minnesota, Missouri, Nebraska, New York, Ohio, Pennsylvania, Texas, Washington, Virginia, and West Virginia), of which 12 are trained and ready to respond to CBRNE incidents in each of the 10 FEMA regions.

- Joint Task Force Civil Support (JTF-CS). JTF-CS, headquartered at Fort Monroe, Virginia, and its components, Joint Task Force Consequence Management East (headquartered at Fort Gillem, Georgia) and Joint Task Force Consequence Management West (headquartered at Fort Sam Houston, Texas), is a deployable, standing task force of 160 assigned military personnel led by a two-star Army National Guard general officer serving on active duty, who is under the command of the U.S. Northern Command (USNORTHCOM) commander. The mission of JTF-CS is to deploy, when directed, to a CBRNE incident site to exercise

command and control of assigned Federal military forces to support civil authorities.

- U.S. Marine Corps Chemical-Biological Incident Response Force (CBIRF). The CBIRF, which consists of 117 personnel, 21 vehicles and necessary equipment, and follow-on forces of 200 additional personnel and 22 additional vehicles and equipment, is a deployable force capable of responding to a CBRNE incident in support of local, State, or Federal authorities and designated combatant commanders' consequence management operations by providing capabilities for agent detection and identification; casualty search and rescue; personnel decontamination; emergency medical care; and stabilization of contaminated personnel.
- DoD Explosive Ordnance Disposal Teams, which can provide assistance to detect, identify, render safe, and dispose of unexploded ordnance such as improvised explosive devices and CBRNE weapons.
- U.S. Army Technical Escort Units (TEUs). The TEUs' mission is to provide a worldwide response for escorting, rendering safe, disposing, sampling, verifying, mitigating, and identifying weaponized and non-weaponized chemical, biological, and other hazardous materials. One TEU company supports the National Capital Response Force.
- CBRNE Consequence Management Response Forces (CCMRF). The CCMRF includes elements of all of these capabilities and can be quickly tailored to provide a coordinated response to specific CBRNE incidents. The CCMRF are Title 10, U.S. Code, joint forces capable of responding to a wide range of CBRNE attacks

against the American people with a wide range of services, including decontamination and security of a contaminated site or area; medical triage, treatment, and care; and transportation and logistical support.

DoD's CBRNE consequence management capabilities include specialized agent detection, identification, and dispersion modeling systems as well as casualty extraction and mass decontamination abilities. DoD also can provide emergency medical support such as equipment, mobile hospitals, aeromedical evacuation, medical personnel, engineering support, and mortuary services.

To ensure the readiness of these forces and to identify gaps and potential weaknesses within each agency and across agencies in terrorist attacks, particularly multiple, simultaneous attacks, DoD holds or participates in at least four major interagency exercises per year. These exercises support the DHS National Homeland Security Exercise Program established by Homeland Security Presidential Directive-8 (HSPD-8), "National Preparedness" (December 17, 2003). In the past these have included UNIFIED DEFENSE (2003, 2004), DETERMINED PROMISE (2003, 2004), ARDENT SENTRY (2005, 2006, and 2007), DILIGENT ENDEAVOR (2003), DINGO KING (2005), DILIGENT WARRIOR (2004), NORTHERN EDGE (2003), SCARLET SHIELD (2004), DARK PORTAL (2004), CYBER STORM (2006), and TOP OFFICIALS (TOPOFF) II and III (2003, 2005). All recent scenarios for DoD and interagency exercises have included the challenge of countering and responding to CBRNE threats such as radiological dispersion devices in the northeast and western United States, improvised nuclear device attacks in the western US, nuclear weapon and recovery in the western and mid-western United States, chemical and improvised explosive device attacks on the East Coast, and biological attacks in the Northeast, Midwest, and Pacific Northwest.

CONCLUSION

In conclusion, to those responsible for protecting the homeland from al Qaeda and the threat of terrorism, the information in the National Intelligence Estimate is not new; it reinforces the seriousness of the terrorist threat against the homeland and confirms much of what the President has been saying since 9/11. We are facing a persistent terrorist enemy led by al Qaeda that remains driven and intent on attacking the homeland, and that continues to adapt and improve its capabilities.

Our greatly increased worldwide counterterrorism efforts since 9/11 have constrained the ability of al Qaeda to attack the U.S. again and have led terrorist groups to view the homeland as a harder target to strike than it was on 9/11.

We must remember terrorism is not a threat we face alone. It is a threat faced by our allies around the world -- in London, in Bali, Madrid, Riyadh and Islamabad. We cannot win this war alone; we need our allies to win. They fight the threat just as we do. And just as our heroes on the battlefields around the world are injured and die in the fight, our allies fight and die, as well.

As President Roosevelt stated in his Pearl Harbor Speech on December 8, 1941, "There is no blinking at the fact that our people, our territory and our interests are in grave danger. With confidence in our armed forces - with the unbounding determination of our people - we will gain the inevitable triumph."

Statement for the Record
House Permanent Select Committee on Intelligence
And
House Armed Services Committee

July 25, 2007

Implications of the NIE
The Terrorism Threat to the US Homeland

Edward Gistaro
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&
Michael Leiter
Principal Deputy Director
National Counterterrorism Center

Statement for the Record
By
Edward Gistaro, National Intelligence Officer on Transnational Threats
and
Michael Leiter, Principal Deputy Director, National Counterterrorism Center
to the
House Permanent Select Committee on Intelligence
and the
House Armed Services Committee
25 July 2007

Chairman Reyes, Chairman Skelton, Ranking Member Hoekstra, Ranking Member Hunter and Members of the House Permanent Select Committee on Intelligence and the House Armed Services Committee, thank you for the invitation to appear before the committees to offer the Intelligence Community's assessment of the terrorist threat to the Homeland and the National Counter Terrorism Center's strategies, capabilities and resources to combat the terrorism threat.

It is my privilege to be accompanied by Michael Leiter, Principal Deputy Director of the National Counterterrorism Center and Peter Verga, Acting Assistant Secretary of Defense for Homeland Defense and America's Security Affairs.

We judge the US Homeland will face a persistent and evolving terrorist threat over the next three years. The main threat comes from Islamic terrorist groups and cells, especially al-Qa'ida, driven by their undiminished intent to attack the Homeland and a continued effort by these terrorist groups to adapt and improve their capabilities.

We assess that greatly increased worldwide counterterrorism efforts over the past five years have constrained the ability of al-Qa'ida to attack the US Homeland again and have led terrorist groups to perceive the Homeland as a harder target to strike than on 9/11. These measures have helped disrupt known plots against the United States since 9/11.

We are concerned, however, that this level of international cooperation may wane as 9/11 becomes a more distant memory and perceptions of the threat diverge.

Al-Qa'ida is and will remain the most serious terrorist threat to the Homeland, as its central leadership continues to plan high-impact plots, while pushing others in extremist Sunni communities to mimic its efforts and to supplement its capabilities. We assess the group has protected or regenerated key elements of its Homeland attack capability, including: a safehaven in the Pakistan Federally Administered Tribal Areas (FATA), operational lieutenants, and its top leadership. Although we have discovered only a handful of individuals in the United States with ties to al-Qa'ida senior leadership since 9/11, we judge that al-Qa'ida will intensify its efforts to put operatives here.

As a result, we judge that the United States currently is in a heightened threat environment.

We assess that al-Qa'ida will continue to enhance its capabilities to attack the Homeland through greater cooperation with regional terrorist groups. Of note, we assess that al-Qa'ida will probably seek to leverage the contacts and capabilities of al-Qa'ida in Iraq (AQI), its most visible and capable affiliate and the only one known to have expressed a desire to attack the Homeland. In addition, we assess that its association with AQI helps al-Qa'ida to energize the broader Sunni extremist community, raise resources, and to recruit and indoctrinate operatives, including for Homeland attacks.

We assess that al-Qa'ida's Homeland plotting is likely to continue to focus on prominent political, economic, and infrastructure targets with the goal of producing mass casualties, visually dramatic destruction, significant economic aftershocks, and/or fear among the US population. The group is proficient with conventional small arms and improvised explosive devices, and is innovative in creating new capabilities and overcoming security obstacles.

We assess that al-Qa'ida will continue to try to acquire and employ chemical, biological, radiological, or nuclear material in attacks and would not hesitate to use them if it develops what it deems is sufficient capability.

We assess Lebanese Hizballah, which has conducted anti-US attacks outside the United States in the past, may be more likely to consider attacking the Homeland over the next three years if it perceives the United States as posing a direct threat to the group or Iran.

We assess that the spread of radical—especially Salafi—Internet sites, increasingly aggressive anti-US 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 US 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. We assess that this internal Muslim terrorist threat is not likely to be as severe as it is in Europe, however.

We assess that other, non-Muslim terrorist groups—often referred to as "single-issue" groups by the FBI—probably will conduct attacks over the next three years given their violent histories, but we assess this violence is likely to be on a small scale.

We assess that globalization trends and recent technological advances will continue to enable even small numbers of alienated people to find and connect with one another, justify and intensify their anger, and mobilize resources to attack—all without requiring a centralized terrorist organization, training camp, or leader.

- The ability to detect broader and more diverse terrorist plotting in this environment will challenge current US defensive efforts and the tools we use to detect and disrupt plots. It will also require greater understanding of how suspect activities at the local level relate to strategic threat information and how best to identify indicators of terrorist activity in the midst of legitimate interactions.

I would now like to review the role the National Counterterrorism Center (NCTC) is playing and will play in the War on Terror (WOT).

Today, NCTC performs two critical functions in the WOT. Pursuant to the Intelligence Reform and Terrorism Prevention Act (IRTPA) of 2004, the Director wears two hats. One of those hats is as principal advisor to the Director of National Intelligence on intelligence matters relating to counterterrorism. The second hat is the responsibility for conducting Strategic Operational Planning for the War on Terror for the entire US Government (USG). In that hat, the Director reports to the President, via the National and Homeland Security Councils.

With respect to the first role, that relating to intelligence, IRTPA establishes NCTC "to serve as the primary organization in the USG for analyzing and integrating all intelligence possessed or acquired by the USG pertaining to terrorism and counterterrorism, excepting intelligence pertaining exclusively to domestic terrorists and domestic counterterrorism." The act, makes NCTC both the hub for Community CT analysis and the chief advocate for, and leader of, improvements in CT analysis. Both functions require close collaboration with members of the IC and the Office of the Director of National Intelligence (ODNI). We are pursuing a comprehensive set of actions to meet current and future mission requirements while addressing the long range need to improve our foundational intelligence capabilities.

Organizationally, NCTC is a part of the ODNI, however it's staff includes some 400 detailees from 16 agencies from across the USG, including State, Defense, Homeland Security, FBI, CIA, Energy, HHS, Agriculture, Treasury, and the NRC, among others. This rotational structure is deliberate, enabling NCTC to bring together diverse talents and perspectives to address the mission requirements of our customers.

NCTC is the exemplar of all source, integrated analysis. Our analysts have access to all available CT information through dozens of networks and databases. We focus on everything from threat warning to strategic analysis, both foreign and domestic; and, we serve a broad customer base, including the President, Departments and Agencies, and the Congress.

As a broad forum, the IICT brings together diverse sources of expertise from throughout the USG and is the fulcrum where analytical skills and experience can be leveraged. The IICT helps NCTC optimize CT analysis and production, and supports our strategic planning and assessment of intelligence needs.

Of course, analysts cannot produce critical intelligence without the requisite information. Analysis must drive collection. Therefore, the NCTC Director's role as Mission Manager also encompasses guiding the collection process in close collaboration with the Deputy Director of National Intelligence for Collection (DDNI/C) and the agencies responsible for that collection. NCTC has been working closely with the DDNI/C and Community collectors to ensure efforts are appropriately focused on any and all lead data associated with plots directed against the West, and specifically the U.S. Homeland. NCTC actions include working with the intelligence, defense and law enforcement communities to ensure that lead information is identified and shared as soon as possible.

Information sharing underpins improvements in analysis and government collaboration to prevent future acts of terrorism. Per the IRTPA, the Center has responsibility "to ensure that agencies, as appropriate, have access to and receive all-source intelligence products needed to execute their counterterrorism plans or perform independent, alternative analysis," and "to ensure that such agencies receive intelligence needed to accomplish their assigned activities." Toward these ends, NCTC continues to push information to the broad Community while establishing the means to improve interagency collaboration.

NCTC Online (NOL) continues to prove its value as a classified repository and the gateway to terrorist-related intelligence products and services. NOL reaches the full range of intelligence, law enforcement, defense, homeland security, foreign affairs and other federal organizations involved in the War on Terror. It now hosts over 8,000 authorized users, more than 7 million documents, and contributions from over 60 organizations. This is fundamental change: before 9/11, there was no electronic library of terrorism information available across the US Government. Of critical importance, NOL is also accessible to state and local partners through networks provided by both DHS and the FBI.

The Terrorist Identities Datamart Environment (TIDE) serves as our central knowledge base for all-source information on international terrorist identities. It is made available to the majority of the CT analytic community through NOL. TIDE distributes a "sensitive but unclassified" extract to the Terrorist Screening Center which, in turn, validates this information and provides it to Federal departments and agencies and select foreign governments to use for screening purposes. The establishment and continued refinement of TIDE represents a major accomplishment in our CT efforts. Before 9/11, the US lacked a single database of all known and suspected international terrorists, and our reliance on multiple watchlists, maintained by separate departments, presented a major vulnerability.

Situational awareness of emerging threats and ongoing CT operations is key to the integration of CT efforts. Relevant USG organizations come together three times daily via SVTCs to exchange information and collaborate on response options. This too is a fundamental change: Before 9/11, there was no routine means to maintain situational awareness across the US Government.

I will now turn to NCTC's second function, Strategic Operational Planning (SOP), which involves a wide spectrum of planning functions. It bridges the gap between coordinated interagency policy and strategy, and tactical operations by Departments and Agencies to implement that strategy. Essentially, SOP takes interagency planning to a much more granular level than we have historically undertaken as a government. In this role the NCTC leads an interagency planning effort that brings all elements of national power to bear in the war on terrorism. That includes the full weight of our diplomatic, financial, military, intelligence, homeland security and law enforcement activities.

SOP is new in government. It involves a three-part continuous process: planning, implementation and assessment. NCTC is leading an interagency effort to build processes for all three phases. The NCTC has completed the first phase of planning by the interagency, and is now in the process of building the capability to implement intergovernmental plans and assess their effectiveness.

NCTC's planning efforts span a spectrum from strategic, deliberate planning to the more operational, dynamic planning. At the strategic level is the National Implementation Plan (NIP). The initial planning effort culminated in June, 2006 when it was approved by the President. We are currently at the one-year anniversary mark.

At the more tactical end of the planning process are more dynamic planning efforts, including those established to address specific threat streams. Specific to the current threat picture we face, I chair a newly-formed Interagency Task Force that is developing additional options and measures for disrupting potential terrorist attacks on the Homeland. The ITF is continuously evaluating new intelligence in order to coordinate additional actions to further disrupt the threat. For example, DHS is taking additional steps designed to prevent terrorists from entering the Homeland, and FBI is working closely with state and local law enforcement to increase situational awareness of the threat throughout the country. The ITF is also working closely with intelligence collectors to continue monitoring the activities of our adversaries. The ITF also reports to senior policymakers on a regular basis at the White House.

In closing, we have come a long way over the last two years, as a Center and a Community working collaboratively. We are making substantial progress in improving CT analysis through the Analytic Framework and development and implementation of analytic tradecraft and quality standards. NCTC ensures active collaboration through the IICT and daily SVTC's. NCTC's unique position with access to all CT intelligence information results in our daily review of all significant CT cables, the production of a variety of alert, warning, and in-depth analytic reports, to include pieces for the Presidential Daily Briefs (PDB).

Mr. Chairman, this concludes my remarks and we will take any questions you may have. Thank you.

DOCUMENTS SUBMITTED FOR THE RECORD

JULY 25, 2007

Declassified Key Judgments of the National Intelligence Estimate "Trends in Global Terrorism: Implications for the United States" dated April 2006

Key Judgments

United States-led counterterrorism efforts have seriously damaged the leadership of al-Qa'ida and disrupted its operations; however, we judge that al-Qa'ida will continue to pose the greatest threat to the Homeland and US interests abroad by a single terrorist organization. We also assess that the global jihadist movement—which includes al-Qa'ida, affiliated and independent terrorist groups, and emerging networks and cells—is spreading and adapting to counterterrorism efforts.

- Although we cannot measure the extent of the spread with precision, a large body of all-source reporting indicates that activists identifying themselves as jihadists, although a small percentage of Muslims, are increasing in both number and geographic dispersion.

- If this trend continues, threats to US interests at home and abroad will become more diverse, leading to increasing attacks worldwide.

- Greater pluralism and more responsive political systems in Muslim majority nations would alleviate some of the grievances jihadists exploit. Over time, such progress, together with sustained, multifaceted programs targeting the vulnerabilities of the jihadist movement and continued pressure on al-Qa'ida, could erode support for the jihadists.

We assess that the global jihadist movement is decentralized, lacks a coherent global strategy, and is becoming more diffuse. New jihadist networks and cells, with anti-American agendas, are increasingly likely to emerge. The confluence of shared purpose and dispersed actors will make it harder to find and undermine jihadist groups.

- We assess that the operational threat from self-radicalized cells will grow in importance to US counterterrorism efforts, particularly abroad but also in the Homeland.

- The jihadists regard Europe as an important venue for attacking Western interests. Extremist networks inside the extensive Muslim diasporas in Europe facilitate recruitment and staging for urban attacks, as illustrated by the 2004 Madrid and 2005 London bombings.

We assess that the Iraq jihad is shaping a new generation of terrorist leaders and operatives; perceived jihadist success there would inspire more fighters to continue the struggle elsewhere.

- The Iraq conflict has become the "cause celebre" for jihadists, breeding a deep resentment of US involvement in the Muslim world and cultivating supporters for the global jihadist movement. Should jihadists leaving Iraq perceive themselves, and be perceived, to have failed, we judge fewer fighters will be inspired to carry on the fight.

We assess that the underlying factors fueling the spread of the movement outweigh its vulnerabilities and are likely to do so for the duration of the timeframe of this Estimate.

- Four underlying factors are fueling the spread of the jihadist movement: (1) Entrenched grievances, such as corruption, injustice, and fear of Western domination, leading to anger, humiliation, and a sense of powerlessness; (2) the Iraq "jihad;" (3) the slow pace of real and sustained economic, social, and political reforms in many Muslim majority nations; and (4) pervasive anti-US sentiment among most Muslims—all of which jihadists exploit.

Concomitant vulnerabilities in the jihadist movement have emerged that, if fully exposed and exploited, could begin to slow the spread of the movement. They include dependence on the continuation of Muslim-related conflicts, the limited appeal of the jihadists' radical ideology, the emergence of respected voices of moderation, and criticism of the violent tactics employed against mostly Muslim citizens.

- The jihadists' greatest vulnerability is that their ultimate political solution—an ultra-conservative interpretation of *shari'a*-based governance spanning the Muslim world—is unpopular with the vast majority of Muslims. Exposing the religious and political straitjacket that is implied by the jihadists' propaganda would help to divide them from the audiences they seek to persuade.

- Recent condemnations of violence and extremist religious interpretations by a few notable Muslim clerics signal a trend that could facilitate the growth of a constructive alternative to jihadist ideology: peaceful political activism. This also could lead to the consistent and dynamic participation of broader Muslim communities in rejecting violence, reducing the ability of radicals to capitalize on passive community support. In this way, the Muslim mainstream emerges as the most powerful weapon in the war on terror.

- Countering the spread of the jihadist movement will require coordinated multilateral efforts that go well beyond operations to capture or kill terrorist leaders.

If democratic reform efforts in Muslim majority nations progress over the next five years, political participation probably would drive a wedge between intransigent extremists and

groups willing to use the political process to achieve their local objectives. Nonetheless, attendant reforms and potentially destabilizing transitions will create new opportunities for jihadists to exploit.

Al-Qa'ida, now merged with Abu Mus'ab al-Zarqawi's network, is exploiting the situation in Iraq to attract new recruits and donors and to maintain its leadership role.

- The loss of key leaders, particularly Usama Bin Ladin, Ayman al-Zawahiri, and al-Zarqawi, in rapid succession, probably would cause the group to fracture into smaller groups. Although like-minded individuals would endeavor to carry on the mission, the loss of these key leaders would exacerbate strains and disagreements. We assess that the resulting splinter groups would, at least for a time, pose a less serious threat to US interests than does al-Qa'ida.

- Should al-Zarqawi continue to evade capture and scale back attacks against Muslims, we assess he could broaden his popular appeal and present a global threat.

- The increased role of Iraqis in managing the operations of al-Qa'ida in Iraq might lead veteran foreign jihadists to focus their efforts on external operations.

Other affiliated Sunni extremist organizations, such as Jemaah Islamiya, Ansar al-Sunnah, and several North African groups, unless countered, are likely to expand their reach and become more capable of multiple and/or mass-casualty attacks outside their traditional areas of operation.

- We assess that such groups pose less of a danger to the Homeland than does al-Qa'ida but will pose varying degrees of threat to our allies and to US interests abroad. The focus of their attacks is likely to ebb and flow between local regime targets and regional or global ones.

We judge that most jihadist groups—both well-known and newly formed—will use improvised explosive devices and suicide attacks focused primarily on soft targets to implement their asymmetric warfare strategy, and that they will attempt to conduct sustained terrorist attacks in urban environments. Fighters with experience in Iraq are a potential source of leadership for jihadists pursuing these tactics.

- CBRN capabilities will continue to be sought by jihadist groups.

While Iran, and to a lesser extent Syria, remain the most active state sponsors of terrorism, many other states will be unable to prevent territory or resources from being exploited by terrorists.

Anti-US and anti-globalization sentiment is on the rise and fueling other radical ideologies. This could prompt some leftist, nationalist, or separatist groups to adopt terrorist methods to attack US interests. The radicalization process is occurring more

quickly, more widely, and more anonymously in the Internet age, raising the likelihood of surprise attacks by unknown groups whose members and supporters may be difficult to pinpoint.

- We judge that groups of all stripes will increasingly use the Internet to communicate, propagandize, recruit, train, and obtain logistical and financial support.

WITNESS RESPONSES TO QUESTIONS ASKED DURING THE HEARING

JULY 25, 2007

RESPONSE TO QUESTION SUBMITTED BY MS. ESHOO

Secretary CLAPPER. The ability to track terrorist communications is not solely a number of personnel issue. The ability to effectively exploit terrorist communications involves several factors: the appropriate technology to collect communications, analyze the data, and disseminate the intelligence. Additionally, having the right "mix" and balance of human resources to conduct the business of exploiting communications has and always will be a never ending challenge to the Intelligence Community. The right "mix" includes linguists, technology experts, and communications and all-source analysts to put the "terrorist" intelligence puzzle together.

More importantly, the advancement in modern communications over the last 30 years has afforded terrorists the ability to effectively communicate with each other without much recourse. The gap discussed by the DNI was created because the Foreign Intelligence Surveillance Act (FISA) did not keep pace with these changes in technology. Merely adding resources did not solve the fundamental flaw in the FISA requiring the Intelligence Community to spend time and effort providing privacy protections to foreigners overseas. The gap was mitigated when Congress enacted the Protect America Act (PAA) and updated FISA. To effectively track terrorist communications, we need people, the right "mix" of people, the technology and updated legal authorities; without these elements, we put our country at risk for warning against a terrorist attack. [See page 51.]

RESPONSE TO QUESTION SUBMITTED BY MR. ISSA

Ms. LONG. Ms. Mary Beth Long provided the information to Rep. Darrell Issa in a letter dated 9 August 2007. [The letter is retained in the committee files and can be viewed upon request.] [See page 45.]

QUESTIONS SUBMITTED BY MEMBERS POST HEARING

JULY 25, 2007

QUESTIONS SUBMITTED BY MR. SKELTON

The CHAIRMAN. When was witness aware of Abu Musab al-Zarqawi and what was he doing?

Mr. GISTARO. Abu Musab al-Zarqawi had been an active participant in a variety of militant/terrorist activities since the early 1990s, working with a broad network of associates, including al-Qa'ida. Following U.S. and Coalition action in Afghanistan in late-2001, al-Zarqawi looked to capitalize on the growing instability in the region to advance his terrorist agenda, including through longstanding relationships and personal ties with like-minded extremists stretching from Afghanistan to the Levant. Our understanding is al-Zarqawi had reestablished ties by mid-2002 to extremists in Iraq to broaden his network and expand his capability to undertake terrorist operations against Israeli, Jordanian, and other western interests in the region.

QUESTIONS SUBMITTED BY MR. HUNTER

Mr. HUNTER. Clearly, al-Qaeda has now been involved in high-visibility bombings of civilian populations in Iraq that have been spread across not only American television, international television, but television in the Arab world. Has that diminished the popularity of al-Qaeda. the bombings of civilians? In newscasts which identify the bombings as being attributed to al-Qaeda, has that diminished their popularity in the general Muslim community worldwide? What is your take on that?

Mr. GISTARO. Over the past several years, we have seen indications that public support in predominantly Muslim countries for al-Qa'ida's tactics has continued to wane. Results of a Pew Poll study released in July 2007 showed a drop in support for suicide bombing in seven of eight Muslim countries surveyed between 2002 and 2007, and declining confidence in Usama Bin Ladin in all seven Muslim countries surveyed between 2003 and 2007—with the greatest decrease in Jordan, reflecting widespread condemnation of the 9 November 2005 attacks on hotels in Amman. Data from this same study found that a majority of respondents in 11 of 12 predominantly Muslim countries cited television as their primary source of news, suggesting that most Muslim audiences primarily receive information on al-Qa'ida targeting of civilians through television broadcasts.

Aside from the study results, we also have seen al-Qa'ida take steps over the past year to continue to defend or clarify tactics used, specifically related to bombings of Muslim civilians. In an early-April 2008 response to questions submitted by al-Qa'ida supporters and sympathizers from mid-December 2007 through mid-January 2008 via an "open interview" on the Internet, Ayman al-Zawahiri defended and justified situations in which al-Qa'ida actions resulted in Muslim civilian casualties. Zawahiri's comments addressed questioners who specifically cited Muslim casualties from the December 2007 Algeria bombings conducted by al-Qa'ida in the Maghreb. Zawahiri's defense was also likely in part a response to comments made by several leading and influential clerics, including Sayid Imam al-Sharif, aka Dr. Fadl, a Zawahiri mentor and early ideological leader of the jihadist movement, who have publicly raised questions over the last year about al-Qa'ida's use of tactics that result in civilian deaths.

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