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LESSONS FROM THE MUMBAI TERRORIST ATTACKS—PARTS I AND II

HEARINGS

BEFORE THE

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS UNITED STATES SENATE

OF THE

ONE HUNDRED ELEVENTH CONGRESS

FIRST SESSION

JANUARY 8 AND 28, 2009

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LESSONS FROM THE MUMBAI TERRORIST ATTACKS—PART I

THURSDAY, JANUARY 8, 2009

U.S. SENATE,
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 1:41 p.m., in room SD–342, Dirksen Senate Office Building, Hon. Joseph I. Lieberman, Chairman of the Committee, presiding.

Present: Senators Lieberman and Collins.

OPENING STATEMENT OF CHAIRMAN LIEBERMAN

Chairman LIEBERMAN. Good afternoon and welcome to this hearing. I thank our witnesses from the law enforcement and intelligence community for your presence here today for this hearing on lessons that we here in the United States can learn from the Mumbai terrorist attacks.

As we all know, on the night of November 26, 2008, 10 terrorists made an amphibious landing onto the jetties of Mumbai, India, and proceeded to carry out sophisticated, simultaneous, deadly attacks on multiple targets, including the city's main railway station, two of its most prominent hotels, a popular outdoor cafe, a movie theater, and a Jewish community center.

Three days of siege and mayhem followed. As the world watched on television, these 10 terrorists paralyzed a great metropolis of 12 million people and murdered nearly 200 of them. The victims were Muslims, Hindus, Christians, Sikhs, and Jews. They were citizens of many nations, including six Americans. Senior American intelligence officials have placed responsibility for the attacks on Lashkar-e-Taiba (LeT), a terrorist group based in Pakistan.

I know that I speak for all of my colleagues on this Committee and in the Senate in expressing our sympathy to the families and friends of the victims of these attacks and also to express our solidarity with the people of India and their government in the wake of the attack.

I had the opportunity to travel to New Delhi just a few days after the Mumbai attacks and the honor of meeting with Prime Minister Singh, Foreign Minister Mukherjee, and National Security Advisor Narayanan. The Indian people and their leaders were understandably and justifiably angry and intent on demanding and achieving justice. Prime Minister Singh and his government have acted firmly and responsibly in response to this attack. The terrorists wanted to divide and radicalize people in India and to provoke a war with

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Pakistan, but India's government, indeed, India's people have proven stronger and wiser than that, while being persistent in demanding that those responsible for these attacks be brought to justice.

I also had the opportunity right afterward to visit Islamabad, where I met with Prime Minister Gilani, General Kayani, and other senior officials with whom I discussed Lashkar-e-Taiba and the Mumbai attacks. I was encouraged that the democratically-elected leaders of Pakistan understand the threat of Islamist extremism to themselves and their neighbors and that the Pakistani government has taken steps to crack down on LeT, including abiding by the sanctions imposed last December at the United Nations.

But much more is needed and quickly. It is absolutely imperative that Lashkar's leaders are not just detained by Pakistani authorities, but that they are prosecuted for the terrorist acts they are accused of planning and helping to carry out.

The purpose of this hearing is to examine those attacks on Mumbai and determine what lessons can be drawn from them for America's homeland security.

First, we need to understand who carried out these attacks in the most broad and yet also specific detail. In other words, what is Lashkar-e-Taiba, and what are its ideologies and history? What is its relationship to al-Qaeda and other Islamist terrorist groups? Does it threaten the United States in any way? What are its ties, both past and present, to the Pakistani army and its intelligence agency, the Directorate for Inter-Services Intelligence (ISI)?

Second, we need to understand how the men who carried out these attacks were recruited, trained, funded, indoctrinated, and radicalized, the process on which the one surviving terrorist, Ajmal Amir, in Indian custody, has already cast some light. The problem of radicalization is one that this Committee has closely examined in the last 2½ years and one that the three governmental agencies represented by our three witnesses have also closely studied.

It is particularly important in Pakistan, given that many of the attacks against the United States and our allies, both failed and successful, have had links to Pakistani-based groups, particularly Pakistani-based training camps.

Third, we need to understand the implications of some of the tactics used successfully in these attacks. For example, we know that the attackers traveled undetected from Karachi in Pakistan to Mumbai by boat. What are the implications of this attack from the waters on our own homeland security here in the United States?

We also know that leading-edge technologies were used to facilitate the attacks. The terrorists apparently, for instance, used Google Earth to surveil their targets and communicated with each other and with their controllers back in Pakistan using BlackBerrys and Skype. How does the use of such tools impact our own efforts to prevent terrorism here at home?

Fourth, we need to look at the targets of this attack and determine whether we are doing as much as we can and should be doing to appropriately protect our own "soft targets," a term generally given to facilities that are not traditionally subject to a high level of security, such as nuclear power plants and defense locations, but would include hotels, shopping malls, and sports arenas. While there are practical limits, of course, to protecting such targets in

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an open society such as ours or India's, it is imperative that we take smart, cost-effective security measures here in the United States through means such as security awareness training, exercises focused on soft targets, and improved information sharing about potential threats.

Fifth, we need to examine how we can strengthen our homeland security cooperation with the government of India and other allied governments in the wake of this attack. Over the past few years, we have literally transformed America's relationship with India across a broad array of shared interests and activities. This bilateral relationship is now emerging as one of America's most important strategic partnerships in the 21st Century. I hope we are exploring ways in which we can cooperate to protect the citizens of both of these great democracies from terrorist attacks.

When I was in New Delhi, I discussed with Prime Minister Singh his administration's plan to overhaul the way the Indian government is organized to protect homeland security in the wake of Mumbai. Needless to say, I hope we can find ways in which we can assist our Indian friends in this critical effort and how, in turn, they can assist us in protecting our homeland from terrorism.

I am very grateful that we have as witnesses today three of the leading authorities in government on matters on terrorism, Charlie Allen from the Department of Homeland Security (DHS), Commissioner Ray Kelly from the New York Police Department, and Donald Van Duyn from the Federal Bureau of Investigation (FBI). Your willingness to be here today before this Committee is appreciated and also, I think, attests to the seriousness with which you and the men and women in your agencies take the ongoing terrorist challenge.

Senator Collins.

OPENING STATEMENT OF SENATOR COLLINS

Senator COLLINS. Thank you, Mr. Chairman. As we begin a new year, this hearing is a sobering reminder of the continuing threat that terrorism poses to this Nation and to civilized people throughout the world.

The consequences of the Mumbai attack reverberate worldwide. Six Americans were among the more than 160 victims, once again raising concern for the safety of our citizens at home and abroad. In addition to the tragic loss of life, the attack temporarily crippled the financial center of India, the world's largest democracy and a friend of the United States.

The implicated terrorist group, LeT, has links that reach far beyond South Asia. In 2004, for example, two men sentenced for violent felonies admitted to helping members of a Virginian jihadist network gain entry to Lashkar training camps in Pakistan.

The murderous assault on Mumbai deserves our attention because it raises important questions about our own plans to prevent, prepare for, and respond to terrorist attacks in the United States. Careful analysis of the tactics used, the targets chosen, and the effectiveness of the response will provide valuable insight into the strengths and weaknesses of our own Nation's defenses.

The Mumbai attacks focused, as the Chairman has pointed out, on soft targets, like hotels, restaurants, a railway station, and a

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Jewish cultural center. And the Mumbai attackers used conventional, but still dreadfully lethal, weapons like automatic rifles and hand grenades to carry out their bloody mission.

While terrorists will certainly still seek to acquire and use a weapon of mass destruction, the Mumbai attack underscores the threat posed by a few well-armed and well-trained individuals. It also raises the critical question of whether the attack may signal a shift in terrorist tactics toward conventional weapons and explosives used in coordinated attacks by small groups. Indeed, in 2007, a group of homegrown terrorists plotted a similar low-tech attack against Fort Dix in New Jersey.

Such tactics and goals may require rethinking our standard response doctrines. For example, is securing a perimeter and waiting for specialized tactical squads the best way to deal with terrorists who are moving about and seeking to inflict maximum bloodshed? Do local and State law enforcement agencies need improved rapid access to building plans and prearranged contacts at all likely targets, from transportation hubs and government buildings to large shopping malls, schools, theaters, hotels, and restaurants? Do the Federal Government, State and local officials, and the private sector have sufficiently well-developed information sharing procedures for use both before and during attacks and other emergencies?

By examining the command, control, and coordination of the Indian government's response as well as the adequacy of their equipment and training and the public information arrangements in place during the Mumbai attack, can we improve our own efforts to prevent similar attacks?

On the diplomatic front, we clearly must redouble our efforts to persuade and pressure states like Pakistan that tolerate terrorist safe havens.

Finally and of great interest to this Committee, we need to ask whether the Mumbai atrocities shed any new light on the nature of the violent extremist mindset and on the opportunities for the United States and the international community to work cooperatively to prevent and counter the process of violent radicalization.

I commend the Chairman for convening this hearing and I welcome our witnesses and look forward to hearing their testimony on the lessons that we can draw from the attacks in India. Thank you, Mr. Chairman.

Chairman LIEBERMAN. Thank you very much, Senator Collins, for that excellent statement.

We will now go to the witnesses, beginning with Charlie Allen. After a long and extraordinary career of service to our Nation at the Central Intelligence Agency, Mr. Allen was good enough to join this new Department of Homeland Security in its infancy. He serves as the Chief Intelligence Officer of the Department and holds the title of Under Secretary for Intelligence and Analysis.

Mr. Allen, thanks very much again for being with us.

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TESTIMONY OF CHARLES E. ALLEN,[1] UNDER SECRETARY FOR INTELLIGENCE AND ANALYSIS, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. ALLEN. Thank you, Chairman Lieberman, Ranking Member Collins. It is a pleasure to be here and a pleasure to be here with my colleagues, Don Van Duyn, with whom I worked at the Agency, and also it is always an honor to be with Commissioner Kelly.

I think it is important that we have this hearing, that we learn here in our country the lessons of Mumbai, and I think the three of us have probably some unique perspectives on this.

The attacks were shocking. They were brazen. The brutality was, without question, some of the worst that we have seen in terrorism in modern times. Terrorists using fairly ordinary weapons wreaked great havoc and destruction. So we need to know what happened, how it happened, so we are better prepared to deal with potential attacks of a similar nature in this country.

My office routinely conducts analysis on threats around the world to understand them, to understand how they could affect the homeland, and it is critical that our analysis, particularly in our Department, be promptly and thoroughly shared with our State, local, tribal, and private sector partners, and I will speak a little bit about that in a couple of moments.

We began looking at the Mumbai just as the attacks got underway and then we continued to work through Thanksgiving and the weekend until the 72 hours passed and the terrorists were suppressed. What we saw there in Mumbai were members of a well-armed and well-trained terrorist cell, as Senator Lieberman said, making this maritime entry to the coastal city, then fanning out in multiple locations and attacking targets including transportation, commercial, and religious facilities.

We are reminded that delayed or disrupted plots are likely to resurface. Indian authorities arrested a Lashkar-e-Taiba operative in February 2008. He carried with him information suggesting Mumbai landmarks, including the Taj Mahal Hotel, had been targeted for surveillance, possibly meaning future terrorist operations. We cannot say whether the plans had been delayed because of something the Indian government had done or whether the plotters were just not ready until November, but it does remind us that plots can lay dormant for a long time and then appear at the time of the plotter's choosing.

A heightened security posture had an impact, perhaps, on the timing of the attack, but the targets nonetheless remained in the cross-hairs of the plotters. This reminds us that we cannot let our guard down and we must develop sustainable ways to address possible credible threats. We are reminded here, of course, of our Twin Towers and how they were attacked in 1993 and then again in 2001.

We are reminded also that a determined and innovative adversary will take great efforts to find security vulnerabilities and exploit them. The Mumbai attackers were able to ascertain the routines and vulnerabilities of the security forces at the primary targets during the pre-operational phase. They entered by water

[1] The prepared statement of Mr. Allen appears in the Appendix on page 61.

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where security was the weakest. They thought that they could greatly increase the likelihood of their success if they came by sea.

Because it is impossible to maintain heightened security indefinitely at all possible points, including extensive shorelines, we have learned that it is important to vary security routines and establish capabilities to surge security forces. We have done this very frequently in the Department. The Visible Intermodal Prevention and Response (VIPR) teams that we run have had 1,000 of those exercises over the last year and a half.

We are also reminded that security must be unpredictable for the adversary. It needs to be predictably responsive to those who need to implement the measures, however. During a period of heightened security earlier this year, several of the hotels in Mumbai installed security scanning devices. According to open source reporting, some of those devices were not in operation during the attacks and all security personnel were not properly trained on how those devices work. This, of course, means that security device measures have little value if they are not used or the personnel who use them do not adequately understand how to effectively operate them.

Thus, we are reminded that training of private sector security personnel and first responders is an essential element of securing our Nation's critical infrastructure. As many possible soft targets are controlled by private organizations, the private sector must be a full partner in efforts to protect the homeland.

Also, we are reminded that thorough knowledge of the target can dramatically increase the effectiveness of the attack, and conversely, lack of similar knowledge by responders can significantly diminish an effective response.

Much of the information the Mumbai attackers required to mount a successful attack was accessible through readily available sources. Hotels, restaurants, and train stations, by their nature, are susceptible to extensive surveillance activities that might not be necessarily noticed. Such information can give attackers significant advantage during the attack because they know traffic patterns and escape routes.

We should remember that such surveillance activities by terrorist operatives or support personnel also represent an opportunity to identify and interdict terrorist operatives. The Department is working with the Office of the Director of National Intelligence (ODNI), the FBI, and our State, local, and city partners to establish a comprehensive Suspicious Activity Reporting System that will systematically identify and collect information regarding possible pre-attack activity.

We are also reminded that low-tech attacks can achieve strategic goals and can be dramatically enhanced by technology enablers. The attackers were able to fend off responding forces just using automatic rifles, grenades, and some improvised explosive devices (IEDs), basically the weapons of a basic infantryman. They also used satellite and cell phones to maximize effectiveness, and they monitored press coverage of the attack through wireless communication devices they had taken from hostages to obtain up-to-date information regarding the actions of the Indian government rescue forces.

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We are also reminded that a response to a similar terrorist attack in a major U.S. urban city would be complicated and difficult. We saw how the chaos the attacks created magnified the difficulty of mounting an appropriate response. We also saw how essential it is to ensure that first responders are up to the task. They must first and foremost have adequate information as to the details of what is happening as well as to have appropriate tools to mount an effective response.

In Mumbai, we saw attackers were able to exploit the initial chaos and move on to new targets while responders still focused on the initial targets. So from that perspective, preparedness training for this type of attack might not have prevented it. The effects could likely have been mitigated and reduced if authorities are well prepared and have exercised responses to terrorist attacks across all levels of government.

We also are reminded that the lack of a unified command system can significantly hamper an effective response. In the homeland, we have developed the National Response Framework, which provides us with a unified command system to respond to terrorist attacks and natural disasters. This framework would not eliminate the chaos generated during a terrorist attack, but it does provide guidance on organizational roles and responsibilities during response and recovery operations.

Again, we are reminded that public-private interactions are crucial and must be developed before an incident occurs. Developing those relations before an incident helps facilitate the flow of information during crises and may help ensure that the data conveyed to first responders is accurate, such as changes in floor plans and access routes. Within the Department, our Office of Infrastructure Protection manages many such private-public partnerships.

We are reminded also that training exercises that integrate lessons learned are crucial. We do this, and we learn greatly from it. We did not do this prior to September 11, 2001. The exercises that we conduct today have been absolutely invaluable.

You asked that we discuss the Department's information sharing with India following the attack. We certainly can do that, but we would respectfully request to discuss that in private closed session.

But, on an information sharing basis, we have certainly worked very hard to get the information out to State and local government, working with our colleagues here in the FBI. We sent out threat assessments. And then on December 3, we sent out a more sustained and developed instruction on what we saw of the tactics, techniques, and procedures used by the Mumbai attackers. My office also published a primer for all State and local officials on Lashkar-e-Taiba, its history, and its modus operandi.

In closing, I would say that what we have done was a very useful exercise. I am very pleased with the amount of information that we were able to get out to our partners, both in State, local, and the private sector. I am also pleased with the way we worked very closely at the National Counterterrorism Center (NCTC) and with our good colleagues in the FBI and our colleagues at the State and local government level.

I just came from a Homeland Security Advisors Conference that was run here in Washington. It is clear that they believe that we

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are making the progress that we need to make in sharing information at the State and local level. We need to do more, Senator, but we have come a long way in the last couple of years.

Thank you, sir.

Chairman LIEBERMAN. I agree on both counts. Thanks for your testimony. Every time you said, "We are reminded," I was hearing it as either we drew a lesson from this, or, in fact, we were reminded of some things by Mumbai that we had already seen evidence of here. I would like to come back during the question and answer period and ask you to develop a few of those matters that we were reminded of.

We go now to Donald Van Duyn. He came to the Federal Bureau of Investigation in August 2003, after 24 years of service at the Central Intelligence Agency. In September of last year, Mr. Van Duyn was appointed by Director Mueller to be the Chief Intelligence Officer of the FBI. In that capacity, you are here and we are very glad to have you here. Please proceed.

TESTIMONY OF DONALD N. VAN DUYN,[1] CHIEF INTELLIGENCE OFFICER, DIRECTORATE OF INTELLIGENCE, NATIONAL SECURITY BRANCH, FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE

Mr. VAN DUYN. Chairman Lieberman, Senator Collins, thank you very much for inviting me today with my two distinguished colleagues to discuss the lessons learned from the recent terrorist attacks in Mumbai and how the FBI is working with our U.S. intelligence community and law enforcement partners to apply those lessons to protect the homeland.

I would like to begin by briefly describing the FBI's role in overseas investigations in general and our response to the Mumbai attacks, in particular. We appreciate the Committee's understanding that this is an ongoing investigation with FBI personnel on the ground, and that our participation in it is at the behest of the Indian government. Because of that and the diplomatic sensitivities involved, there are likely to be questions that I cannot answer in this forum. We would be pleased, however, to provide additional information in a closed session, however.

As advances in technology, communications, and transportation continue to blur international boundaries, the FBI is increasingly being called on to address threats and attacks to U.S. interests overseas. To help combat global crime and terrorism, we are using our network of 61 Legal Attaché Offices to strengthen and expand our partnerships with foreign law enforcement and intelligence agencies around the world.

In the event of an attack on U.S. citizens or U.S. interests abroad, our Legal Attaché obtains approval from the host government and the U.S. Embassy for the FBI to provide investigative assistance. The appropriate FBI operational division then deploys personnel and equipment and runs the investigation. The Counterterrorism Division has the lead for the FBI's investigation of terrorist attacks overseas.

[1] The prepared statement of Mr. Van Duyn appears in the Appendix on page 67.

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To give you an idea of the scope of the FBI's presence abroad, on any given day, there are about 400 to 500 FBI personnel deployed overseas. About 60 percent of those are permanently assigned to the Legal Attachés while 40 percent are temporarily deployed to war zones, including Afghanistan and Iraq, and extraterritorial investigations, such as Mumbai.

In response to the Mumbai attacks in particular, the FBI obtained approval from the Indian government and the U.S. Embassy in New Delhi to deploy personnel to assist with the investigation. The team, which arrived in Mumbai on November 29, 2008, has two major jobs. One is the pursuit of justice, which involves traditional forensic-based investigative work to track down those who have murdered Americans and to determine who the attackers' co-conspirators were. Two, and equally important, is the pursuit of the prevention mission, which involves generating new information to determine who else might be out there who potentially poses a threat to the United States, our citizens, and our allies.

While the Mumbai investigation is still in its infancy, the FBI is working with our Indian law enforcement and intelligence partners to help uncover information about how the attacks were executed, how the attackers were trained, and how long the attacks took to plan. We can and have already begun to share that information, in conjunction with DHS, with our Federal, State, and local partners at a classified and an unclassified level and to use it to bolster our efforts to protect the homeland. But the most valuable lessons learned will come at the conclusion of this investigation.

So far, the Mumbai attacks have reinforced several key lessons. One, terrorist organizations don't need weapons of mass destruction, as Senator Collins pointed out, or even large quantities of explosives to be effective. The simplest weapons can be as deadly. It comes as no surprise that a small, disciplined team of highly-trained individuals can wreak the level of havoc that we saw in Mumbai. Other terrorist groups will no doubt take note of and seek to emulate the Mumbai attacks. The take-home lesson for the FBI and the DHS and law enforcement is that we need to continue to look at both large and small organizations with the right combination of capabilities and intent to carry out attacks.

Two, we need to reenergize our efforts to keep the American public engaged and vigilant. That is critical to the effort to prevent something like the Mumbai attacks from occurring on our shores. As we engage the public, we want to attempt to avoid what happened before the first World Trade Center attacks in 1993. People observed the eventual perpetrators of that attack mixing chemicals and engaging in suspicious behavior. They talked about it, but they did not report it to the authorities.

A key tool for engaging the public and our law enforcement partners is eGuardian, a web-based application to track suspicious incident reporting. As we receive information on threats from law enforcement, other Federal agencies, and the general public, we input these reports into the system, where they can be tracked, searched, analyzed, and triaged for action. No threat report is left unaddressed. Although roughly 97 percent of these incidents are ultimately determined to have no conclusive nexus to terrorism, we be-

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lieve we cannot afford to ignore potentially important threat indicators.

We have begun a pilot deployment of a new system called eGuardian, which is an unclassified system that enables participation by our State, local, Federal, and tribal law enforcement partners. The eGuardian software will enable near-real time sharing and tracking of terrorist information and suspicious activities among State, local, tribal, and Federal entities.

Finally, we must remember that terrorist organizations may begin as a threat to their surrounding localities, but can quickly gain broader aspirations. The Mumbai attacks reinforce the reality that Lashkar-e-Taiba, the group believed to be responsible for the Mumbai attacks, has the capability to operate outside its own home base of Kashmir. These attacks remind us that we must examine other groups that appear to be active only locally and determine where they have the operational capability and strategic intention to undertake a more regional or global agenda.

In conclusion, Mr. Chairman, as the threats to the United States become more global, the FBI is expanding our collaboration with our law enforcement and intelligence partners around the world. We are working with our international partners to prevent terrorist attacks and assist in their investigations when they do occur. And, as we have done with the Mumbai attacks, we will continue to analyze and share lessons learned from these investigations to help prevent future attacks at home or against U.S. interests abroad.

Chairman LIEBERMAN. Thanks, Mr. Van Duyn.

Just a point of clarification—and you don't have to refer to this case—I take it that it is possible for the FBI, if it determines it is in our interest, to request extradition of accused individuals in foreign cases to be tried here at home, with the permission of the foreign country?

Mr. VAN DUYN. That is correct.

Chairman LIEBERMAN. Thank you.

The three of you, just looking at Commissioner Kelly's record, have an extraordinary number of years in public service. Because I respect Charlie Allen, I won't count the years here publicly.

Commissioner Kelly began in the Vietnam War, served 30 years in the Marines, the Marine Corps Reserve, joined the New York Police Department, served there for 31 years, that culminating in 1992 in his selection as Commissioner. A few years later, he retired from that and went into the private sector and then came back to public service. He served our National Government as a Commissioner of the U.S. Customs Service and as Under Secretary for Enforcement at the Treasury Department, where he was responsible for the U.S. Secret Service, Financial Crimes Enforcement Network, and the Office of Foreign Assets Control, and then returned now for his second time as Commissioner of the New York Police Department (NYPD).

We are very grateful you took the time to be here. I must tell you that we have had a wonderful working relationship on this Committee with the NYPD in a wide array of areas. This Department is, with all deference to other local police departments around the country, so far ahead in its counterterrorism programs that it really does set the standard. Perhaps, some might say, well, that

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is understandable because of the World Trade Center attack in 1993 and then, of course, September 11, 2001, but the fact is you have done it, Commissioner. You have played a significant part in it.

I have looked at your testimony. I am very impressed by the extent to which you already have a program, which I know you will talk about, to try to raise the guard at so-called soft targets, which I think could be a model for other cities around the country. But thank you for being here and we look forward to your lessons learned from the Mumbai attacks.

TESTIMONY OF HON. RAYMOND W. KELLY,[1] POLICE COMMISSIONER, CITY OF NEW YORK

Mr. KELLY. Well, thank you very much, Mr. Chairman. Thank you, Senator Collins. Thank you for inviting me to speak about the lessons that the New York City Police Department has drawn from the events in Mumbai.

Within hours of the end of the attack, the NYPD notified the Indian government that we would be sending personnel there. On December 1, 2008, we dispatched three senior officers. Their assignment was to gather as much information as possible about the tactics used in the attack. This is in keeping with the practice we have followed for several years. In all cases, our officers do not take part in investigative activity.

In Mumbai, our officers toured crime scenes, took photographs, and asked questions of police officials. They relayed what they learned back to New York. These officers are part of the Department's Overseas Liaison Program, in which we post experienced personnel in 11 cities around the world. They partner with local police and intelligence agencies and respond when terrorist incidents occur.

In this case, the most senior officer in the group had served as a liaison in Amman, Jordan. In July 2006, when seven bombs exploded in Mumbai trains and railway stations, he flew to the city on a similar mission. The relationships that he forged during that trip proved helpful in November.

As you know, it is believed that the perpetrators of both attacks were members of the radical Islamist group Lashkar-e-Taiba, which has been fighting Indian security forces for decades. From the perspective of the New York City Police Department, one of the most important aspects of this attack was the shift in tactics, from suicide bombs to a commando-style military assault where small teams of highly-trained, heavily-armed operatives launched simultaneous sustained attacks. They fanned out across the city in groups of two and four.

They carried AK–56 assault rifles, a Chinese manufactured copy of the Russian AK–47. It holds a 30-round magazine with a firing rate of 600 to 650 rounds per minute. In addition, the terrorists each carried a duffel bag loaded with extra ammunition, an average of 300 to 400 rounds contained in as many as 12 magazines, along with a half-dozen grenades and one plastic explosive or IED.

[1] The prepared statement of Mr. Kelly appears in the Appendix on page 72.

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The attackers displayed a sophisticated level of training, coordination, and stamina. They fired in controlled, disciplined bursts. When our liaisons toured the hotels and railway stations, they saw bullet holes that shots were fired in groups of three aimed at head level. With less-experienced shooters, you would see bullet holes in the ceiling and floor. This group had, we believe, extensive practice, and the numbers of casualties show it. Ten terrorists managed to kill or injure almost 500 people.

They were experienced in working together as a unit. For example, they used hand signals to communicate across loud and crowded spaces. And they were sufficiently disciplined to continue their attack over many hours. This had the effect of increasing the public's fear and keeping the incident in the news cycle for a longer period of time.

These are a few of the differences from what we have seen before. Consistent with previous attacks around the world were some of the features of the target city. The country's financial capital, a densely-populated, multi-cultural metropolis, and a hub for the media and entertainment industries. Obviously, these are also descriptions of New York City.

The attackers focused on the most crowded public areas and centers of Western and Jewish activity. This, too, is of interest to the police department. The two New Yorkers who were killed were prominent members of the Chabad Lubavitch religious movement, which is based in Brooklyn, New York.

We are also mindful that the attackers approached Mumbai from the water. That obviously is an issue in a major port city like New York. For that reason, our harbor officers are trained in and equipped with automatic weapons. They have special authority to board any ships that enter the port. Our divers inspect the holds of cruise ships and other vessels as well as the piers they use for underwater explosive devices. We engage in joint exercises with the U.S. Park Service to protect the Statue of Liberty from any waterborne assault, and heavily-armed Emergency Service officers board the Queen Mary II at Ambrose Light before it enters New York Harbor to make certain no one tries to take over this iconic ship when it enters city waters. These are a few examples.

As much as we do, the NYPD, even with the Coast Guard's formidable assistance, cannot fully protect the harbor, especially when one considers the vast amounts of uninspected cargo that enters the Port of New York and New Jersey. I have testified before about the urgent need for better port and maritime security. Mumbai was just another reminder.

Our liaisons arrived in Mumbai on December 2, 3 days after the attacks ended. By December 5, our Intelligence Division had produced an analysis, which we shared with the FBI. That morning, we convened a special meeting with members of the NYPD Strategic Home Intervention and Early Leadership Development (SHIELD) program. This is an alliance between the Police Department and about 3,000 private security managers based in the New York area. We had the leader of our team in Mumbai call in and speak directly to the audience. We posted photographs and maps to help them visualize the locations. We also reviewed a list of best practices in hotel security. This is a set of items we routinely share

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when our counterterrorism officers conduct training for hotel security.

Through another partnership, Operation Nexus, NYPD detectives have made thousands of visits to the kind of companies terrorists might seek to exploit, truck rental businesses or hotels, for example. We let them know what to look for and what to do if they observe suspicious behavior.

With hotels, we focus on protecting the exterior of the building from a vehicle-borne threat, but we also emphasize knowing who is in your building and recognizing that the attack may be initiated from inside the facility. We talk about how to identify a hostile surveillance or the stockpiling of materials, controlling points of entry, and having a thorough knowledge of floor plans and a widely distributed emergency action plan.

In Mumbai, the attackers appeared to know their targets better than responding commandos. With this in mind, since the beginning of December, the New York City Police Department has toured several major hotels. Supervisors in our Emergency Service Unit are documenting the walk-throughs on video camera, filming entrances and exits, lobbies, unoccupied guest rooms, and banquet halls. We plan to use the videos as training tools.

Through a vast public-private partnership, our Lower Manhattan Security Initiative, we also have access to hundreds of private security cameras owned and operated by our private sector partners in Manhattan's financial district. These are monitored in a newly-opened coordination center in downtown Manhattan.

In an active shooter incident, such as we saw in Mumbai, by far the greatest number of casualties occur in the first minutes of the attack. Part of the reason the members of LeT were able to inflict severe casualties was that, for the most part, the local police did not engage them. Their weapons were not sufficiently powerful and they were not trained for that type of conflict. It took more than 12 hours for Indian commandos to arrive. By contract, the NYPD's Emergency Service Unit is trained in the use of heavy weapons and the kind of close-quarter battle techniques employed in Mumbai.

In addition, we have taken a number of steps to share this training more widely among our officers. On December 15, 16, and 17, our police recruits received basic instruction in three types of heavy weapons. They learned about the weapons' operating systems, how to load and unload, and how to fire them. They were the first class to receive what will now be routine training for our police academy recruits.

On December 5, we conducted two exercises, one a tactical drill for Emergency Service officers, the other a tabletop exercise for commanders. Both scenarios were based on the attacks in Mumbai. In the exercise with our command staff, we raised the possibility that we might have to deploy our Emergency Service officers too thinly in the event of multiple simultaneous attacks, such as those in Mumbai. We also recognize that if the attacks continued over many hours, we would need to relieve our special units with rested officers.

In response to both challenges, we have decided to provide heavy weapons training to experienced officers in our Organized Crime Control Bureau. They will be able to play a supplementary role in

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an emergency. Similarly, we decided to use the instructors in our Firearms and Tactics Unit as another reserve force. Combined, these officers will be prepared to support our Emergency Service Unit in the event of a Mumbai-style attack.

Chairman LIEBERMAN. Commissioner, excuse me for interrupting. Don't worry about the time. Do I understand, then, that as a direct reaction to the Mumbai incidents, you have expanded this training of both your recruits and back-up forces in the use of the heavy weapons that will be necessary to respond?

Mr. KELLY. That is correct. We had the recruits who were still in training——

Chairman LIEBERMAN. Right.

Mr. KELLY [continuing]. So we gave them that training immediately. Now, we are not going to issue them heavy weapons, but at least they are now familiar with it.

We will start training of specialized units, senior officers in our Narcotics Division, our Vice Division, and what we call our Organized Crime Control Bureau. They will receive heavy weapons training and some tactical training. They will each receive 5 days of specialized training.

Chairman LIEBERMAN. Do you have a departmental standard, a kind of goal, of the time in which you aim to get your personnel to a shooting incident, for instance?

Mr. KELLY. Well, obviously we have the patrol officer who will respond.

Chairman LIEBERMAN. Right.

Mr. KELLY. Those officers are performing normal patrol. But I think it is important to point out that our Emergency Service officers, the officers armed with heavy weapons and going through 6 months of specialized training, they are on patrol, as well. So they can respond very quickly. They are not in any garrison. They are out on the street. Our heavy weapons are out on the street.

What we are concerned in this instance about, as I say, is sustained engagement, where we will need to relieve those officers.

Chairman LIEBERMAN. Go right ahead.

Mr. KELLY. The other issue that we examined in our exercises last month—and that was the subject of a *New York Times* article yesterday—is the ability of the terrorist handlers to direct operations from outside the attack zone using cell phones and other portable communications devices. With this comes a formidable capacity to adjust tactics while attacks are underway.

We also discussed the complications of media coverage that could disclose law enforcement tactics in real time. This phenomenon is not new. In the past, police were able to defeat any advantage it might give hostage takers by cutting off power to the location they were in. However, the proliferation of hand-held devices would appear to trump that solution. When lives are at stake, law enforcement needs to find ways to disrupt cell phones and other communications in a pinpointed way against terrorists who are using them.

Now, all of the measures that I have discussed are part of a robust kind of terrorism program that we have built from the ground up since 2002, when we realized that we needed additional focus on terrorism.

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Now, we know that the international threat of terrorism is not going away. Terrorists are thinking creatively about new tactics. So must we. And while we have to learn from Mumbai and prepare to defend ourselves against a similar attack, we cannot focus too narrowly on any one preventive method. We need to go back to basics, strengthen our defense on every front, stay sharp, well trained, well equipped, and constantly vigilant. And we must continue to work together at every level of government to defeat those who would harm us.

I want to thank the Committee for your crucial support in making this possible and for your opportunity to share our lessons learned.

Chairman LIEBERMAN. Thanks very much, Commissioner, for very helpful, impressive testimony.

Let me begin with you, if I might. I think the answer may be implicit or explicit in your testimony, but do you view Mumbai as a turning point in the war that the terrorists are waging against us in the sense that it employed a different strategy and a series of different tactics that we now have to worry will be emulated elsewhere in the world?

Mr. KELLY. Well, it certainly could be, and that is exactly what it is, a low-tech approach. We have been concerned, and understandably, about suicide bombings that have happened throughout the world. Here, we see 10 individuals armed with very basic weaponry. We don't believe that the AK–56 that they had, the weapons, were even automatic. We believe they were semi-automatic. So these were basic weapons that created almost 500 deaths and serious injuries.

So yes, we certainly look to learn more from our Federal colleagues as their investigation moves forward, but it could very well be a turning point in a sense that the relative simplicity of this attack is picked up by others.

Chairman LIEBERMAN. Mr. Van Duyn, in what is now a longer war on terrorism, and longer yet ahead of us, is this the opening of a new tactic on familiar battlefields?

Mr. VAN DUYN. I think it certainly has that potential. The issue is, I think, terrorists are very attuned to the media.

Chairman LIEBERMAN. Right.

Mr. VAN DUYN. They look to see what is successful and what they can do. We sometimes focus on tactics that may be exotic and esoteric like weapons of mass destruction (WMD), which clearly would be horrible, but for most terrorists, they are looking for what works. So this was an attack that unfortunately was clearly successful, so I think we can expect that groups will look to that as a model for themselves.

Chairman LIEBERMAN. This is what struck me, which is that one difference between Mumbai and at least the other more notorious terrorist incidents of recent years was that it went over a period of time. It was not the suddenness, the awful suddenness of the attacks of September 11, 2001, or the attacks on subways, for instance, or transit facilities in Madrid or London, but it was basically laying siege to a city, and you are absolutely right, taking advantage of media coverage to create a general sense of terror well beyond the city where it occurred.

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Mr. Allen, do you have a response to that question, how you would put it in the context of this overall war on terrorism?

Mr. ALLEN. Yes. I think it does demonstrate something I have long believed, that terrorists continue, whether it is Madrid or whether it is July 11, 2006, in Mumbai. You will recall there were train explosions which cost more lives.

Chairman LIEBERMAN. Right.

Mr. ALLEN. The attacks were virtually concurrent. But it did not galvanize the world. Here, the attack was on the financial and entertainment centers of Mumbai and they were able to galvanize the world for 72 hours. So I think what we take away from this is a very sober thought, that soft targets can create for political effect exactly what extremists want because it is clear that some of the Lashkar-e-Taiba leaders at the time were, and remain, I think, very enthusiastic that they were able to bring great attention to their cause. Now they are under some suppression today.

But I think we ought to take away from this, as Mr. Van Duyn said, that we spend a lot of time working esoteric threats, which are horrific, but there are other horrific ways, and the sheer brutality of this attack certainly, I believe, is a kind of thing that can be conducted against soft targets around the world.

We are very fortunate that we have not had these attacks. The Bureau has done a great job. We remember in Rockville, Illinois, we had an individual who was caught in a sting operation who was going to throw a hand grenade and perhaps use a pistol to shoot his way in a shopping mall on December 6, 2006. Fortunately, he was caught. But this kind of attack, I think we have to be prepared for it and be prepared for soft targets to be attacked. Shopping malls must have evacuation plans, and I am afraid to say not many of them really have them or exercise them.

Chairman LIEBERMAN. I want to come back to that in my second round of questions, but finishing up on this first round, I want to ask about Lashkar-e-Taiba because it was hardly known. Almost every American has heard of al-Qaeda. I doubt very many had heard of LeT before the Mumbai attacks, or I doubt today whether very many people in this country, even in Congress, know that this group has already had an effect in the United States.

As Senator Collins said in her opening statement, we have arrested, and in some cases convicted, individuals in the United States who were intending to carry out a terrorist attack or beginning to do so who were trained at Lashkar-e-Taiba training camps in Pakistan. Since September 11, 2001, as this Committee has documented in our own hearings, we have learned over and over again that homegrown terrorists who actually train with an Islamist terrorist organization are much more capable of eventually carrying out an attack.

Commissioner Kelly, let me start with you. Looking forward, what would you say is the likelihood that more individuals in the United States, once radicalized, will travel to South Asia to train with Lashkar-e-Taiba or groups like it?

Mr. KELLY. Well, we have seen that in the past, so obviously it is an area of concern for us, to travel to Pakistan. We have seen people from the United Kingdom going there with great frequency, and of course, it is just a hop, step, and a jump over the pond, so

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to speak, to come here. So the possibility or the capability of going to Pakistan and receiving the training to come back and hurt us in a major way is certainly there and we have seen it as an ongoing issue.

Chairman LIEBERMAN. Right. Mr. Van Duyn, do you want to add anything to that, just on the probability? I am correct, I know that we have on record people from this country who have gone to the LeT camps in Pakistan and come back and conspired to carry out terrorist attacks. Is that likely to continue on into the future, perhaps at a greater rate?

Mr. VAN DUYN. We certainly share that concern and the fact that there are still LeT camps plus the camps of other groups. LeT is just one of a number of Pakistani-Kashmiri militant groups, many of which have training camps. You will recall that in 2004, there was a group in Lodi, California, that we also disrupted that had trained in Pakistan.

Chairman LIEBERMAN. Yes.

Mr. VAN DUYN. I think just as important as Pakistan, however, is the recognition that people who travel to train with the mujahideen anywhere in the world can represent a threat. There have been recent press reports about young individuals from Minneapolis, for example, going to Somalia to fight there. This is something of which we are profoundly aware and are attempting to monitor.

Chairman LIEBERMAN. Mr. Allen.

Mr. ALLEN. Yes. I would just say that we have to worry about people being attracted to this form of extremism, not only Somalis but others, and we have had these connections. Particularly, we have had British citizens who have gone into Lashkar-e-Taiba camps. We have had also al-Qaeda members who have had informally connections with Lashkar-e-Taiba. I won't say that one is controlled by the other, which it is not, but there has always been that linkage. You must remember, Abu Zubaydah, who was caught in March 2002, was the first major high-value terrorist to be caught after September 11, 2001, and he had been staying in a safe house that belonged to Lashkar-e-Taiba. So there are these linkages that go back, and informal linkages go back between al-Qaeda and Lashkar-e-Taiba and that should give us something to worry about, as well.

Chairman LIEBERMAN. Yes, exactly. So when we in the United States press our allies in Islamabad and the Pakistani government to take action to clean up and bring to justice LeT and other terrorist groups operating in Pakistan, it is not just a short-term response to the Mumbai attacks or in defense of the majority of law-abiding people in Pakistan and India who will be targets of those terrorists potentially, but when we ask our allies in Pakistan to take action against terrorist camps within Pakistan, it is also to protect the homeland security of the American people because of the path that radicalized Americans have taken in going to those camps in Pakistan to train, to come back and carry out attacks here in the United States.

Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman.

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Mr. Van Duyn, to follow up on the Chairman's question, you stated in your testimony that LeT had already demonstrated its capability to operate outside its home base. I read with alarm the reports of some in the Somali community in Minnesota potentially being recruited to go to Somalia to fight. Terrorist groups have two approaches here. They can either send operatives from other countries into our communities to try to launch attacks, or they can try to cultivate homegrown terrorists, which has been a major source of this Committee's activities, looking at the domestic threat of radicalization.

Taking that approach, however, involves considerable expense and the risk of being caught by local law enforcement. How prevalent do you think the activities are of terrorist groups such as LeT coming into our country, not with the purpose of launching attacks themselves, but rather recruiting Americans through a radicalization process?

Mr. VAN DUYN. We clearly see groups, and not only LeT, who either through contacts with individuals in the United States or sometimes by travelling to the United States, may propagate a radical message, which can lead to the radicalization. Also there is interest, as in the case of the al-Shabaab, in recruiting individuals to go fight in the jihad. We also see a fair amount of fundraising by a host of groups inside the United States among populations that are associated with the countries from which the groups emanate.

So we are clearly seeing this. I think it is fair to say, though, that we do not see anything on, say, the order of what may be occurring in the United Kingdom or in other places in Europe, that it is more fragmentary and unconnected than that. But nonetheless, yes, it is occurring.

Senator COLLINS. And is the FBI continuing its outreach activities to Muslim Americans in the major cities, for example, Detroit, that we have heard previously about, in an attempt to identify individuals who may be caught up in the radicalization process and also to develop counter-messages?

Mr. VAN DUYN. Yes, very much so. All 56 of our field offices have outreach programs. We have an outreach program that also emanates from our headquarters here that involves the Director and others. Out in the field, we have a number of programs. We have instituted a new Community Program. We have one program where we will bring people back to Quantico, Virginia, to talk to them about the FBI and the U.S. Government and what we do. We have now the Community Program, which is a 2-week program in which we bring in community leaders to talk to them and to try and establish a degree of trust.

We also developed another vehicle when you have a situation like we have seen with Somalis, which is to go out to the specific communities in a more targeted fashion. So this is very much a part of our efforts and in conjunction with DHS because the issues for the local communities frequently involve the whole of the U.S. Government in many respects, so it is a joint effort. But we consider it to be very important and really a foundation for what we are doing.

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Senator COLLINS. Mr. Allen, Commissioner Kelly described two very impressive efforts, the SHIELD program and Operation Nexus, in which NYPD reaches out to the private sector to try to involve them and to extend the eyes and ears of the police department. I am very impressed with those types of activities because when you are talking about soft targets, it is an almost infinite universe and virtually impossible for law enforcement on its own to protect every potential target.

What is the Department doing to reach out to the private sector, since 85 percent of critical infrastructure assets are owned by the private sector and thus are potential targets that Government is not directly involved in protecting?

Mr. ALLEN. Well, I think we have a very vigorous program here, working with my own Critical Infrastructure Threat Analysis Division and working with the Infrastructure Protection Directorate, under the leadership of Assistant Secretary Bob Stephan, which together are called the Homeland Infrastructure Threat and Risk Analysis Center (HITRAC), which is directed right at the private sector. Between Bob Stephan and my own office, we immediately, as soon as we began to understand what had occurred on the ground in Mumbai, had a conference call with hundreds of infrastructure sector councils. We had 250 people from the private sector on the teleconference and we went through in great detail some of the information that Commissioner Kelly, Don Van Duyn, and I have just relayed here today to get them thinking about the problem. Commercial facilities sector, in particular, have to think about this because they have theme parks, they have all kinds of things that fall under their oversight. These are people with whom we can also talk at classified levels.

So we have a very vigorous program. I send analysts, along with Bob Stephan, the Secretary's specialist, right across the country on a regular basis every week to talk to them about techniques, tactics, and procedures. The program is vigorous and we have to sustain it and I am very pleased with what we are doing.

Senator COLLINS. Commissioner, what is your assessment of DHS's efforts to reach out to local law enforcement and share information on tactics, the threat, etc.?

Mr. KELLY. We work very closely with DHS. I think their effort is significant and absolutely essential for us. They are sharing information as never before. Of course, that is also true of the FBI, as well. We have 125 investigators working on the Joint Terrorism Task Force (JTTF) in New York City. That is up from 17 investigators on September 11, 2001. So we are working closer than ever before with our Federal partners.

Senator COLLINS. I am very impressed that by December 5, the NYPD had already produced an analysis of the Mumbai attacks, which it shared with New York City private security managers through your SHIELD program. That kind of quick turnaround is very impressive. Do you share it also with other major police departments in the country?

Mr. KELLY. Certainly, if they ask, but there is no easily accessed distribution channel. We share it with the FBI, and that is the means of it going throughout the country. There are 56 field offices and 56 JTTF components that can get the information, as well.

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Senator COLLINS. Thank you, Mr. Chairman.

Chairman LIEBERMAN. Thanks, Senator Collins.

Commissioner Kelly, I want to go for a moment to something you testified to, which is how media coverage of an ongoing attack can disclose law enforcement tactics in real time and how that is particularly frustrated by modern communications equipment, which makes it harder for you to close off the ability of the terrorists or the hostage takers to communicate with one another.

As you probably know, the Indian government released a dossier to the public but also to the Pakistani government making a compelling case, I think, for the fact that there were Pakistani nationals involved in the Mumbai attacks. The dossier includes some stunning conversations, really chilling, between the attackers and those directing the attacks from Pakistan. I am going to read briefly from one of them.

Caller One: "Brother Abdul, the media is comparing your action to September 11, 2001. One senior police officer has been killed."

Terrorist One, as denoted in the transcript: "We are on the 10th and 11th floor. We have five hostages."

Caller Two: "Everything is being recorded by the media. Inflict the maximum damage. Keep fighting. Don't be taken alive."

Caller One: "Kill all the hostages except the two Muslims. Keep your phone switched on so we can hear the gunfire."

Terrorist Two: "We have three foreigners, including women from Singapore and China."

Caller One: "Kill them."

That exchange not only documents the obvious disregard for human life of any kind among the terrorists, but also that they were seeking to maximize media attention. In a society where the press is free, it is again a challenging question as to how we address that vulnerability.

I wanted to ask you, for instance, does the NYPD have any kind of informal agreements with the New York news media about how to manage news in this kind of hostage-taking situation, or do you know of any standards for doing that at other police departments around the country?

Mr. KELLY. Through the years, I can think of incidents where they have been cooperative——

Chairman LIEBERMAN. Yes.

Mr. KELLY [continuing]. And withheld information, but it is on an ad hoc basis. It depends on the incident. We have no set policy. This is the world in which we live, this instant communication. I read those transcripts and they are very sobering.

Chairman LIEBERMAN. Right.

Mr. KELLY. But we have to cope with that. I said in my prepared remarks that one of the challenges is to see if we can somehow shut down that communication without impeding anybody else's communication.

Chairman LIEBERMAN. Right.

Mr. KELLY. We have means that we are able to shut off all communication in an area, but is that necessarily the wise thing to do?

Chairman LIEBERMAN. Yes, including cell phone communication.

Mr. KELLY. Correct. Is that what we want to do?

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Chairman LIEBERMAN. Understood. So now you are looking at whether you have got the ability to target in on particular phones or PDAs or whatever.

Mr. KELLY. Correct.

Chairman LIEBERMAN. Mr. Allen and Mr. Van Duyn, anything to add in response to this question about how we deal with news coverage in real time that may assist terrorists?

Mr. ALLEN. I think this really prolonged the siege because regardless of the responsiveness of the Indian government, the fact that the terrorists with controllers abroad were able to monitor their activities and monitor what was going on because the assault teams were covered live globally and the ability to see what was occurring certainly aided and abetted the longevity of this crisis, which went on for 8-plus hours. We have to believe that in the future, with any kind of sustained standoff rather than, say, the Mumbai train attacks, which were over in a matter of minutes, we will have to find ways to work with the free and open press to deal with this kind of activity. This is one that is going to take a lot of dialogue with the press.

Chairman LIEBERMAN. Mr. Van Duyn.

Mr. VAN DUYN. Yes, I would echo what Commissioner Kelly and Mr. Allen say. We approach this on an ad hoc basis.

Chairman LIEBERMAN. Right.

Mr. VAN DUYN. We have had some good success when we can explain the case and where it will be a risk to human life. But it is on an ad hoc basis and we have to make our case to them.

Chairman LIEBERMAN. Yes. I just raise the question whether it is worth initiating talks with some of the national news organizations about this in case an incident of this kind should occur? I leave you with that and we will go on briefly.

Let us talk about these so-called soft targets. As we saw in Mumbai, in some cases, these are publicly owned and operated facilities, such as a railway station. But for the most part, these will be privately owned and operated, as they were in Mumbai—hotels, restaurants, and a community center. Obviously, we always worry here in the United States and certainly in this Committee about shopping malls, as an example. So we have the extra challenge here of needing to engage the private sector in taking action that is preventive and protective of these soft targets.

In the Implementing Recommendations of the 9/11 Commission Act of 2007, we created a voluntary private sector preparedness accreditation and certification program in the Department of Homeland Security which would allow interested private sector companies to be certified as complying with voluntary preparedness standards. But, of course, this only provides one thin layer of protection.

Under Secretary Allen, maybe I should begin with you, and I would be willing to forgive you if you don't have an answer because this is somewhat out of your area of intelligence, but do you have any report on the status of both that voluntary program at DHS and also anything else that might be going on to engage the owners of soft targets in America to protect those targets or to be ready to warn of any possible attacks?

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Mr. ALLEN. I am aware of the program. I am not current on the level of participation voluntarily by the private sector.

Chairman LIEBERMAN. Right.

Mr. ALLEN. Let me get back to you and to Senator Collins in writing.

Chairman LIEBERMAN. Fine. How about the other program that you talked about, the Suspicious Activity Reporting System?

Mr. ALLEN. Yes, and that is something we can host. We don't own it or try to direct it. New York City is very much engaged in developing very focused methodological means to begin to make sense out of all the activities that are reported. Much of the suspicious activity, as you know, can be explained away. The work is being undertaken by Boston, Los Angeles—under Chief Bratton—and Miami, and there are also several States that are working directly on this issue. The program manager for the information sharing environment is engaged in this along with the Department of Justice. We are taking a look at that.

Some of the work that is underway today on which the Secretary and the Deputy Secretary at Homeland Security has been briefed, we are very pleased with. We certainly want to support it. We are not certain that we should try to own it. That is not our job. But we think working in partnership with the cities across the country, and the States, that we are going to get a lot better methodological approach because too often we simply have collected data without having the methodological tools to interpret it.

I know that the Commissioner may have some views on this.

Chairman LIEBERMAN. So you are saying that this rightfully and practically ought to be owned by the local governments.

Mr. ALLEN. Owned in conjunction with the support from ourselves, from the Federal level, from the Department in particular. Secretary Chertoff spoke this morning to the Homeland Security Advisors about this——

Chairman LIEBERMAN. Good.

Mr. ALLEN [continuing]. And he has stated his commitment, and I am sure the new Secretary of Homeland Security will do so, as well. We are in the pilot phase of the project. I am sure within 6 months to a year, we can come back and brief you on where we stand with the pilot project.

Chairman LIEBERMAN. Good. Commissioner Kelly, let me turn to you now and ask you to talk in just a little more detail about what the NYPD tells owners of soft targets in New York City about how better to prepare themselves or how to know suspicious activity.

Mr. KELLY. Well, a very effective vehicle for us to get information out is the NYPD SHIELD program that I mentioned in my prepared remarks.

Chairman LIEBERMAN. Yes.

Mr. KELLY. We have over 3,000 participants. These are firms and companies that are participating with us. We communicate with them.

Chairman LIEBERMAN. They own hotels——

Mr. KELLY. Hotels, the financial services industries, hospitals, and major department stores. They all have representation there, and we have segmented it somewhat. For instance, we have a separate unit that works with hotels to get information from them and

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to give them information and best practices. We communicate with them on a daily basis. About every 6 weeks, we have major conferences in our headquarters where we will have presentations on what is going on throughout the world and what we think can afford them a better level of protection.

So not only are we working in general with private security in the city, we are working with individual sectors, as well, hotels, for instance. And the feedback is very positive.

Chairman LIEBERMAN. Let me ask this final question, because I have gone over my time. All of this, both the Federal program that we have begun and what you have done, which is, I think, way ahead of what most other cities have done, is ultimately voluntary. Do you think there ought to be some government regulation here, that there ought to be some mandatory program, that there ought to be some particular help from DHS to the local police departments to facilitate this program, or is it really best done in this way that it is being done now by you?

Mr. KELLY. Well, I think perhaps some study should be given to whether or not there should be basic levels of training for security personnel throughout the country.

Chairman LIEBERMAN. Yes.

Mr. KELLY. We are moving in that direction in New York City, so we have a comfort level that security personnel have at least the rudiments of what to do——

Chairman LIEBERMAN. Private security personnel.

Mr. KELLY. Private security, I am talking about. Perhaps that area should be examined. We think the voluntary aspect of what we are doing is working. We have people knocking on our door to join and we welcome them. There is a lot of participation. As I say, the feedback is very positive because they are getting something of value. Again, I would say that, positively, a basic level of training for security personnel.

Chairman LIEBERMAN. Fine. My time is way beyond my limit, so I would ask Mr. Van Duyn and Mr. Allen to think about, as you go away from here today, whether there is any additional programmatic or even regulatory assistance that would be helpful from the Federal level.

Senator COLLINS. Commissioner, last year, the Chairman and I authored a law that we referred to as the "See Something, Say Something" law that provided protection from lawsuits when individuals reported suspicious activity in good faith in the transportation sector to the appropriate authorities. It was difficult, but we were able to get that signed into law.

Do you think that we should look at expanding that law so that if an individual in good faith reports suspicious activity that could indicate a terrorist plot to the appropriate authorities, regardless of whether it relates to the transportation sector, those individuals would be protected from lawsuits?

Mr. KELLY. I think it made eminent good sense, that law, and I certainly would recommend that it be expanded if at all possible. It is based on sort of the good samaritan approach.

Senator COLLINS. Exactly.

Mr. KELLY. So I thought it was an excellent piece of legislation. I commend you for it.

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Senator COLLINS. Thank you. Glad I asked the question. [Laughter.]

It is always risky to ask one when you don't know what the answer is going to be.

I think that is something that I would certainly be interested in working with the Chairman on, because as I looked at your programs, which, as I said, I find to be so comprehensive and far-reaching, they really do depend on people speaking up and cooperating with you——

Mr. KELLY. Right.

Senator COLLINS [continuing]. And if they are fearful of being sued for doing so, that is going to inhibit their willingness to report.

Mr. KELLY. One thing we do very well in New York City is sue. [Laughter.]

Senator COLLINS. Exactly. Mr. Allen and Mr. Van Duyn, do you have any comments on whether broadening that law, which became law last year, would be helpful to your activities?

Mr. ALLEN. I think it would be very helpful to the Department. We get a lot of activity, some of which we investigate. The Bureau does a lot of investigation based on suspicious activity. As Mr. Van Duyn knows, the Bureau runs to ground all leads that appear suspicious. We were able to look at suspicious activity on ferries in the Puget Sound a year and a half ago. We have done a number of activities that if it is not terrorism activity, it may well be criminal activity. We see things that look very suspicious. The Commissioner is concerned about chemical plants in New Jersey. There have been suspicious activity reports. All of those, I think, are useful, and I think good citizens, good Americans ought to be free and able to report this without fear of a lawsuit, without fear of being sued.

Senator COLLINS. Mr. Van Duyn.

Mr. VAN DUYN. Yes, and we would concur. The public is our eyes and ears, along with State, local, and tribal law enforcement. And as you noted, the Fort Dix plot, that was tipped off because of an alert person in a pharmacy.

Senator COLLINS. Correct. Thank you. Mr. Van Duyn, I want to go back to the issue of terrorist groups recruiting Americans to be trained to participate in terrorist plots. It makes sense to me that LeT or al-Qaeda or another group would try to radicalize Americans because then they are able to more freely travel. They know the communities in which they life. They are less likely to arouse suspicion.

But what puzzles me are the reports of terrorist groups recruiting Americans and radicalizing them to fight overseas, as in, for example, the case of Somalia. I would understand if LeT or some other group were recruiting Americans in the United States to commit terrorism within the United States, but why go to the expense and trouble of recruiting Americans to bring them overseas to engage in combat where they may die or even become a suicide bomber?

Mr. VAN DUYN. That is actually an excellent question and it is one that we have been pondering in relation to the Somalis who may have been going over, in terms of what the capabilities they

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brought to the fight. I think there is a sense, a pan-national sense of contributing to the global jihad and they will look for anybody who can contribute to that, whether it is in Chechnya, Russia-Georgia, or Somalia.

I think the difference with the groups that have an intent, and particularly al-Qaeda which has the intent to attack the homeland, there, they would be looking for people with, as you point out, that ability to travel. And it may also not be with the ability to travel back to the United States. We have to consider that the interest in Americans may be to have them travel to somewhere else in addition to fighting.

In part, I believe the fighting also is a way to vet people's commitment to the cause as a way to train them. A fear that we have also is that people who fight overseas and come back, they have skills, they are committed, they can also serve as cadres for recruitment, if you will. They will have a street credibility that will attract young people to them. So while they may not have been wanted to attack the United States when they were overseas, that may change over time. So we are concerned that people will acquire skills and attitudes that may lend them with the intent or capability to attack the United States when they return.

Mr. ALLEN. Senator, may I speak to that just briefly?

Senator COLLINS. Mr. Allen, please do.

Mr. ALLEN. I believe the Somalis, many of whom arrived here, maybe 160,000 since our intervention in December 1992 in Somalia and East Africa, I think many who have gone, of the numbers that we can talk about, some dozens apparently have gone to East Africa, they really still identify very much with their family and subclans in Somalia. They have not assimilated well into the American society as yet. So I think there is a real distinct difference here. So that is one reason that they are willing to go fight overseas.

The real worry is that once they learn, as I believe Commissioner Kelly said, how to use a simple AK–47, they can come and use such a weapon here in the United States. Now, we don't know of any that plan to do that, and for that we are very thankful, but this is a very different problem from Muslim Americans who, as a Pew Research Center study showed, most of them are well situated and more comfortable as Americans, well situated in this country and stand for its core beliefs.

Senator COLLINS. Thank you. Thank you, Mr. Chairman. I would just say that I, too, read the transcripts of some of those calls and they are so chilling in the Mumbai attack. You can't help but be struck also by the use of technology that the handlers apparently in Pakistan were instructing the commandos as the attack was underway. And then for me, the most chilling, in addition to the "kill them" instruction, was "leave the line open so that we can hear the gunfire."

Chairman LIEBERMAN. I couldn't agree more. Thanks, Senator Collins.

I have one more line of questions and then will yield to Senator Collins if she has any more. This goes to this difficult question of how do we secure the coast that we have. We have an enormous coast in the United States of America. Not all, but most of our great cities—I hope I don't get in trouble with too many cities—are

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located on water. That is historically where great cities began. Commissioner Kelly, you have described what the NYPD is doing to protect the City of New York from damage from the water, but said quite honestly that you can't fully protect the harbor.

Understanding that we are never going to be 100 percent safe in this wonderfully open country of ours, what more could the Federal Government do to assist municipalities or even State governments in providing more security from attack that comes from the sea?

Mr. KELLY. Well, in my previous testimony, I really talked about the examination of cargo in overseas ports, which has been started by Customs and Border Protection. I would like to see a lot more of that. The so-called Hong Kong model, I think is viable. I think it is something that we should look very closely at.

As far as an attack from the sea similar to what happened in Mumbai, it is difficult. We are doing a lot. We have boats that are deployed 24 hours a day. We work closely with the Coast Guard. As I say, we are authorized to board vessels. The Coast Guard has given us that authority. But you can only do so much. There is no magic answer. That is why intelligence really, at the end of the day, is the key, I mean, information as to what is going to happen as opposed to hoping to luckily intercept an event on the water. We have committed a lot, but there are no guarantees.

Chairman LIEBERMAN. It is a very important point, your last one, which is that intelligence has always been important in war, but never more important than in this unconventional war that we have been drawn into with terrorists. Because of the way in which they operate, from the shadows, not in conventional boats at sea or armies on land or planes in the air, and the fact that, of course, they strike intentionally at undefended non-military targets, intelligence is critically important.

Mr. Allen and Mr. Van Duyn, do you have anything to add about anything ongoing? Now, I know there have been some attempts to begin to try to check small craft or——

Mr. ALLEN. Right. We have a Small Vessel Strategy. The Secretary has made this a centerpiece of some of his work. For the last year, our Office of Policy and our Coast Guard have been working with the International Maritime Organization to create Small Vessel Security Guidelines. That is one thing that we think would be important, particularly for boats under 300 tons. If they are foreign vessels, we want to get a much better look at it. We have a Great Lakes Strategy that we are working because there are millions of boats in the Great Lakes and they could be used for various and sundry purposes as well as used for recreation and commerce.

So this has been a centerpiece of the Secretary's efforts over the past year, to improve our control of ingress to our major ports. We have put out a lot of radiation detection devices in all ports, the Puget Sound, and inland waterways. So this has been a significant effort and I think the Secretary, as he leaves office, will look back on this particular effort as one that is going to bear fruit in the coming years.

Chairman LIEBERMAN. We appreciate that and will be in communication with the Department and the new Secretary as we go forward to determine how we can help not only enable that program, but perhaps to give it some greater statutory standing.

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Mr. Van Duyn, do you want to comment on this question of how to defend us from attacks from the sea?

Mr. VAN DUYN. Our focus is really on what Commissioner Kelly was talking about, which is developing the intelligence to penetrate and disrupt networks before they get here, working with our international, Federal, State, and local partners. We are not really a maritime organization, to be honest. We have had in the past, though, an outreach program to dive shops, because there was at one point a concern about scuba-borne attacks, so we did establish those links at that time.

Chairman LIEBERMAN. Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman. I have nothing more.

Chairman LIEBERMAN. Thank you, Senator Collins.

Thanks to the three of you. This, self-evidently, is the first hearing this Committee has held in this 111th Congress, and thanks to the testimony of the three of you, who are extraordinarily informed and experienced in these matters, it really sets a tone for our ongoing work as the Homeland Security Committee of the Senate.

Obviously, the Mumbai attacks remind us, as if we needed it, that the enemy is still out there, that they are prepared to strike wantonly and brutally at innocents, and that the United States remains a target of those terrorists.

The other quite remarkable combination of impressions I have is that we have really gone a long way toward disrupting al-Qaeda, which was the initial enemy here, who attacked us on September 11, 2001, and earlier, but now there emerge other terrorist groups like Lashkar-e-Taiba who we have to worry about and remind us how much we have done since September 11, 2001, so much of it through the Department of Homeland Security, the FBI, and extraordinary work by some local police departments, led by the NYPD, but also that we have so much more to do.

This Committee is going to work this year on a Department of Homeland Security authorization bill. We hope we can do that on a regular basis to make our own statements as a Committee about what the priority needs of the Department are, to recommend to our colleagues on the Appropriations Committee numbers that we think will help meet those homeland security needs, but also to make substantive changes in policy to enable the Department to do a better job. That is why I urge you, as you go away from here, to think about whether you have suggestions for us as to changes in law or program, not to mention funding, that will help you better do the job that the three of you and your coworkers have done so ably already in protecting our homeland security in the age of terrorism. I thank you very much.

We are going to keep the record of the hearing open for 15 days if any of you have anything you would like to add to your testimony or if any of our colleagues or the two of us want to submit questions to you for the record.

Again, my profound thanks to you for what you do every day and what you have done for us today.

With that, the hearing is adjourned.

[Whereupon, at 3:16 p.m. the Committee was adjourned.]

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LESSONS FROM THE MUMBAI TERRORIST ATTACKS—PART II

WEDNESDAY, JANUARY 28, 2009

U.S. SENATE,
COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 10:03 a.m., in room SD–342, Dirksen Senate Office Building, Hon. Joseph I. Lieberman, Chairman of the Committee, presiding.

Present: Senators Lieberman, Burris, Bennet, Collins, and McCain.

OPENING STATEMENT OF CHAIRMAN LIEBERMAN

Chairman LIEBERMAN. Good morning and welcome to the hearing. Let me welcome the witnesses and also welcome the new Members of the Committee. There has been a very refreshing shuffling, shall we say, of our line-up and it is great to have Senator McCain joining the Committee and I look forward very much to working with him here as we do in so many other areas.

I welcome the recently minted, newly sworn-in Senator from Colorado, Michael Bennet, who brings great experience in the private sector and his work as Superintendent of Schools in Denver, and most particularly brings the irreplaceable experience of having spent most of his childhood in Connecticut and having been educated at Wesleyan, where his dad was the president, and even at Yale Law School. So later on when it comes to your time, you can speak in your defense.

I thank everybody. Let us go right to the hearing.

On the evening of November 26, 2008, 10 terrorists began a series of coordinated attacks on targets within the city of Mumbai, India, the largest city and financial capital of that great country and our very close ally. Over the next 60 hours, as the entire world watched, these 10 terrorists paralyzed the city of more than 13 million, killing nearly 200 people and leaving hundreds more wounded before the situation was brought under control, with nine of the terrorists killed and one captured.

On January 8, 2009, this Committee held a hearing to examine the lessons learned from these attacks that could help us strengthen our homeland security here in the United States. We heard from three government witnesses representing the Department of Homeland Security (DHS), the Federal Bureau of Investigation (FBI), and the New York Police Department (NYPD). We examined a range of issues related to the attacks, including the nature of the

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threat posed by the terrorist group that most apparently carried it out, Lashkar-e-Taiba (LeT), the tactics used by the attackers, and the efforts to protect so-called "soft targets," and this really will be in many ways a critical focus of our hearing today.

The Mumbai terrorists attacked hotels, an outdoor cafe, a movie theater, and a Jewish community center, places that are not traditionally subject to a high-level of security, which is why I suppose we call them soft targets. This hearing today will address some of those same issues with particular emphasis on what we here in the United States, public and private sector working together, can do to better protect these so-called soft targets.

Our witnesses today are each from outside the government, representatives of the private sector, including a great American hotel chain and a real estate company, each of which owns overseas properties and manages a very significant number of soft targets. We also are very privileged to have two well-respected and known experts on both terrorism and national security and international relations, Brian Jenkins and Ashley Tellis.

The protection of these kinds of soft targets is a challenge to an open society, such as ours or India's. By definition, they are facilities that must be easily accessible to the general public and are often used by large numbers of people at one time, making them inviting targets for terrorists who don't care about killing innocents. But that, of course, does not mean that we can or should leave these targets undefended.

A range of activities and investments can be deployed to enhance soft target security, including training for personnel, physical security measures, and effective information sharing between the government and the private sector. A basic level of security, of course, is also important across all commercial sectors to commerce itself.

In 2007, this Committee created, within the Implementing the Recommendations of the 9/11 Commission Act of that year, the Voluntary Private Sector Preparedness Accreditation and Certification Program in an attempt to incentivize private sector companies to be certified as complying with voluntary professional preparedness standards, and I look forward to hearing from our witnesses from the private sector today about how that and other similar programs are working and what we can do, public and private sectors working together, to enhance that security.

We are going to explore additional issues in this hearing, privileged as we are to have Mr. Jenkins and Dr. Tellis here, including the threat posed by Lashkar-e-Taiba, the tactics they used in the Mumbai attacks, the challenges of responding to such attack, and, of course, what we can do with our allies in India to increase the security that our people feel at home in each of our two countries.

And now, Senator Collins.

OPENING STATEMENT OF SENATOR COLLINS

Senator COLLINS. Thank you, Mr. Chairman. Let me begin by thanking you for holding this follow-up hearing on the terrorist attacks in Mumbai. The witnesses appearing before us today represent two important additional perspectives on these attacks. As you have mentioned, they represent non-governmental organizations and private businesses. The two hearings that we have held

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will provide valuable insights that can be used to improve and strengthen security policies in our country.

With approximately 85 percent of our country's critical infrastructure in private hands, a strong public-private partnership is essential to preventing attacks and to promoting resiliency when disaster strikes. Through the National Infrastructure Protection Plan (NIPP), DHS and the private sector have cooperatively developed best practices that will improve our ability to deter attacks and to respond and recover in a crisis. By bringing together representatives from the 18 infrastructure sectors, the NIPP process also builds and strengthens relationships between public and private sector officials that promote better information sharing.

The plans developed through this process must not be allowed to just gather dust on shelves in Washington. It is critical that the Department and its private sector partners translate these planning documents into real-world action. If that link is not made, then even the best laid plans will provide little security benefit.

The relationships fostered between the Department and the private sector are absolutely critical, and we learned at our last hearing of the work that has been done by the New York Police Department in cooperation with private security guards. I was very impressed with that program.

The fact is that the government working alone simply does not have all the resources necessary to protect all critical infrastructure from attacks or to rebuild and recover after a disaster. It has to be a cooperative relationship. That is why effective preparedness and resiliency relies on the vigilance and cooperation of the owners and operators of the private sector facilities as well as the general public.

I mentioned at our last hearing that Senator Lieberman and I authored legislation that was included in the 2007 homeland security law to promote the reporting of potential terrorist threats directed against our transportation system. We have already seen the benefit of reports by vigilant citizens such as those which helped to thwart an attack on Fort Dix, New Jersey. The good faith reports of other honest citizens could be equally important in detecting terrorist plans to attack critical infrastructure or soft targets like the hotels, restaurants, and religious institutions that were targeted in Mumbai. That is why I believe that we should consider expanding those protections from lawsuits to cover other good faith reports of suspicious activities.

As the analysis of the response to the Mumbai attacks continues to crystalize, it is also becoming increasingly apparent that the Indian government failed to get valuable intelligence information into the hands of local law enforcement and the owners of facilities targeted by the terrorists. That is why I am particularly interested in how we can improve information sharing with the private sector in this country. The Mumbai attacks demonstrate the perils of an ad hoc, poorly coordinated system.

Finally, as the Chairman has indicated, the instigation of the Mumbai attacks by a Pakistan-based terrorist organization underscores the importance of this Committee's ongoing work in seeking to understand and counter the process of violent radicalization no matter where it occurs. The U.S. Government must continue to

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press the Pakistani government to eliminate safe havens and to starve LeT and similar terrorist groups of new recruits for their deadly operations.

I intend to explore all of these issues in depth with our witnesses today. I welcome our witnesses and look forward to hearing their testimony.

Thank you, Mr. Chairman.

Chairman LIEBERMAN. Thanks, Senator Collins.

As is our custom on the Committee, we welcome Senator Burris who has joined us. We will now go to the witnesses.

We are holding this hearing to answer two questions: What lessons do we learn from the Mumbai terrorist attacks, which as we said at our first hearing certainly seem to us to represent a different order, if not of magnitude, certainly of tactics, a kind of urban jihad carried out there? And second, what can we in government and the private sector do together to protect Americans and American targets from similar activities or attacks here in the United States?

We are very grateful, again, to have Brian Michael Jenkins, Senior Advisor at the RAND Corporation, who has been well known as an expert in these matters for a long time, to bring his experience and expertise to us this morning. Please proceed, Mr. Jenkins.

TESTIMONY OF BRIAN MICHAEL JENKINS,[1] SENIOR ADVISOR, THE RAND CORPORATION

Mr. JENKINS. Chairman Lieberman, Senator Collins, Members of the Committee, thank you very much for the opportunity to be here.

Last November, while the Mumbai attack was still ongoing, RAND, as part of its continuing research on terrorism and homeland security, initiated an analysis to determine what lessons might be learned from that event, and that report of which I and others at RAND, including Dr. Tellis, are coauthors, has been made available to the Committee. Let me here simply highlight some of the more salient lessons.

First, and I think it directly addresses your point, Senator Lieberman, terrorism has increasingly become an effective strategic weapon. I mean, terrorists are dangerous when they kill, but even more dangerous when they think, and that is the salient feature of the Mumbai attack. The masterminds of the Mumbai attack displayed sophisticated strategic thinking in their meticulous planning, in their choice of targets, their tactics, and their efforts to achieve multiple objectives. They were able to capture and hold international attention, always an objective of terrorism.

They were able to exploit India's vulnerabilities and create a political crisis in India. They also sought to create a crisis between India and Pakistan that would persuade Pakistan to deploy its forces to defend itself against a possible action by India, which in turn would take those forces out of the Afghan frontier areas and take the pressure off al-Qaeda, Taliban, and the other insurgent and terrorist groups that operate along the Afghan frontier.

[1] The prepared statement of Mr. Jenkins with an attachment appears in the Appendix on page 78.

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The Mumbai attacks also make it clear that al-Qaeda is not the only constellation in the jihadist universe, that there are other new contenders that have signed on to al-Qaeda's ideology of global terror, and this suggests not only a continuing terrorist campaign in India, more broadly, it suggests that the global struggle against the jihadist terrorist campaign is far from over.

The Mumbai attack also demonstrates that terrorists can innovate tactically to obviate our existing security measures and confound authorities. We tend to focus, understandably, on terrorists with weapons of mass destruction, and that truly is worrisome. But in Mumbai, the terrorists demonstrated that with simple tactics and low-tech weapons, they can produce vastly disproportionate results. The Mumbai attack was sequential, highly mobile. It was a departure from the by-now-common suicide bombings. But the tactics themselves were simple—armed assaults, carjackings, drive-by shootings, building take-overs, barricade and hostage situations, things that we have seen before, but put together in this impressive complex of attacks.

The attack was carried out by just 10 men, armed with easily obtained assault weapons, pistols, hand grenades, simple improvised explosive devices, little more than the arsenal of a 1940s infantryman, except they had with them 21st Century communications technology—cell phones, satellite phones, BlackBerrys, and GPS locators.

The attackers embedded themselves among civilians, using them not only as hostages, but as shields to impede the responders and to maximize civilian casualties, and I think this is a tactic that we have seen elsewhere and that now we do have to be prepared for, that is, terrorists deliberately embedding themselves with civilians to increase the ultimate body count as the response takes place.

Terrorists will continue to focus on soft targets that offer high body counts and that have iconic value. I think there is one category that you mentioned in particular, Senator Collins, which is especially worrisome for us. One of the two-man terrorist teams in Mumbai went to Mumbai's central train station. Now, we tend to look at the whole attack, but one two-man team went to the central train station where they opened fire on commuters. The attack at the train station alone accounted for more than a third of the total fatalities of the event, and that underscores a trend, and that is, terrorists view public surface transportation as a killing field. Surface transportation offers terrorists easily accessible, dense populations in confined environments. These are ideal killing zones for gunmen or for improvised explosive devices, which remain the most common form of attack.

According to analysis that was done by the Mineta Transportation Institute, two-thirds of all of the terrorist attacks on surface transportation over the last 40 years were intended to kill, and 37 percent of those attacks resulted in fatalities. Now, that compares with about 20 to 25 percent of terrorist attacks overall, suggesting that when terrorists come to surface transportation, they do view it primarily as a killing zone. Indeed, 75 percent of the fatal attacks involved multiple fatalities and 28 percent involved 10 or more fatalities. So the intent here clearly is slaughter.

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Terrorist attacks on flagship hotels are increasing in number, in total casualties, and in casualties per incident, and that trend places increasing demands on hotel security, which Mr. Orlob, who is a recognized authority internationally on this topic, will address.

Pakistan continues to play a prominent and problematic role in the overlapping armed conflicts and terrorist campaigns in India, Afghanistan, and in Pakistan itself. Al-Qaeda, the Taliban, LeT, and other insurgent and terrorist groups find sanctuary in Pakistan's turbulent tribal areas. Historically, some of these groups have drawn on support from the Pakistan government itself.

Indeed, some analysts suggest that Pakistan, since it acquired nuclear weapons, has been willing to be more aggressive in the utilization of these groups, confident that with nuclear weapons, it can deter or contain violence from going to the higher levels. On the other hand, Pakistan's principal defense against external pressure may not be its nuclear arsenal but its own political fragility, that is, that its government's less than full cooperation may be preferable to the country's collapse and descent into chaos.

Now, the success of the Mumbai attackers in paralyzing a large city, a city of 20 million people, and commanding the attention of the world's news media for nearly 3 days certainly is going to encourage similar operations in the future, and that leads to the final question—Could a Mumbai-style attack happen here in the United States?—and I believe it could.

The difference lies in the planning and scale. Assembling and training a 10-man team of suicidal attackers seems far beyond the capabilities of the conspirators identified in any of the local terrorist plots that we have uncovered in the United States since September 11, 2001. We simply haven't seen that level of dedication or planning skills. However, we have seen in this country lone gunmen and teams of shooters, whether motivated by mental illness or political cause, run amok, determined to kill in quantity. The Empire State Building shooting, the Los Angles Airport (LAX) shooting, Virginia Tech, and the Columbine cases all come to mind.

Therefore, an attack on the ground carried out by a small number of self-radicalized homegrown terrorists armed with readily available weapons in this country, perhaps causing scores of casualties, while still beyond what we have seen thus far is not inconceivable. It is also conceivable that a team of terrorists recruited and trained abroad, as the Mumbai attackers were, could be inserted into the United States, perhaps on a U.S.-registered fishing vessel or pleasure boat, to carry out a Mumbai-style attack. This is a risk we live with, although I would expect our police response to be much swifter and more effective than what we saw in Mumbai. Thank you very much.

Chairman LIEBERMAN. Thanks, Mr. Jenkins. That was a very thoughtful, insightful opening statement. It struck me as you were describing Mumbai, it was as if you were describing a battle, which it was, and reminds us we are in a war. Their tactics and deployment of the use of weapons—if you have so little regard for human life that you are prepared to do what these people are prepared to do, there is no limit to how you will carry out the battle as you see it, so thank you.

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Ashley Tellis has served our government and been outside government in various stages of his life. He is now coming to us as Senior Associate at the Carnegie Endowment for International Peace and we welcome you this morning. I gather that you are just back from a trip to India.

Mr. TELLIS. Yes, I am.

Chairman LIEBERMAN. Thank you. Welcome.

TESTIMONY OF ASHLEY J. TELLIS, PH.D.,[1] SENIOR ASSOCIATE, CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE

Mr. TELLIS. Thank you, Mr. Chairman. Thank you, Senator Collins. I am going to speak today on the three issues that you invited me to address in your letter of invitation: To describe the nature of Lashkar-e-Taiba (LeT) as a terrorist organization; to assess what the threat posed by LeT to the United States is; and then to explore what the United States can do in the aftermath of these attacks.

Let me start by talking about LeT as a terrorist organization, and I think the simplest way to describe it is that of all the terrorist groups that are present in South Asia today, LeT represents a threat to regional and global security second only to al-Qaeda. This is because of its ideology. Its ideology is shaped by the Ahl al-Hadith school of Saudi Wahhabism and its objectives are focused on creating a universal Islamic Caliphate, essentially through means of preaching and jihad, and both these instruments are seen as co-equal in LeT's world view. A very distinctive element of LeT's objectives is what it calls the recovery of lost Muslim lands, that is, lands that were once governed by Muslim rulers but which have since passed to other political dispensations.

The objective of creating this universal Islamic Caliphate has made LeT a very close collaborator of al-Qaeda and it has collaborated with al-Qaeda in Afghanistan since at least 1987. Its objective of recovering lost Muslim lands has pushed LeT into a variety of theaters outside South Asia. We have identified LeT presence in areas as diverse as Palestine, Spain, Chechnya, Kosovo, and Eritrea.

From the very beginning, LeT was one of the principal beneficiaries of the Pakistani intelligence service's generosity because of its very strong commitment to jihad, which was seen by Inter-Services Intelligence (ISI), the Pakistani intelligence service, as being particularly valuable in Pakistan's ongoing conflict with India.

LeT's objectives, however, have always transcended South Asia. If you look at the LeT website, if you listen to the remarks made by Hafiz Saeed, the leader of the LeT, and read its numerous publications, there are recurrent references to both Israel and the United States as being co-joined targets of LeT objectives in addition to India, and there is frequent reference to the Zionist-Hindu-Crusader axis, which seems to animate a great deal of LeT's antipathy to liberal democracy, which it sees as being implacably opposed to Islam.

Today, Indian intelligence services assess that LeT maintains a terrorist presence in at least 21 countries worldwide, and this ter-

[1] The prepared statement of Mr. Tellis appears in the Appendix on page 84.

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rorist presence takes a variety of forms, everything from liaison and networking to the facilitation of terrorist acts by third parties, fundraising, the procurement of weapons and explosives, recruitment of volunteers for suicide missions, the creation of sleeper cells, including in the United States, and actual armed conflict.

Despite this comprehensive involvement in terrorism, LeT has managed to escape popular attention in the United States primarily because it operates in the same theater as al-Qaeda, and al-Qaeda's perniciousness has essentially eclipsed LeT's importance. After Mumbai, that, however, may be on the cusp of changing.

Let me say a few words about the threat posed specifically by LeT to the United States. It is useful to think of this issue in terms of three concentric circles: Threats posed by LeT to U.S. global interests; threats posed by LeT to American citizens, both civilian and military worldwide; and threats posed to the U.S. homeland itself.

When one looks at U.S. global interests, which would be the first circle, it is easy to conclude that LeT has been actively and directly involved in attacking U.S. global interests through its activities in Afghanistan, Iraq, Palestine, Southeast Asia, and Western Europe. And in many of these theaters, there has been explicit cooperation with al-Qaeda, and particularly in Southern Asia with both the Afghan and Pakistani Taliban.

Where LeT's threats to U.S. citizens are concerned, that is U.S. citizens worldwide, both civilian and military, these threats traditionally have been indirect. And until the events in Bombay, LeT did not direct lethal attacks on American citizens directly. However, it has a long history of cooperating with other terrorist groups who make it their business to attack American citizens and American interests.

When one looks at the third dimension, LeT threats to the U.S. homeland, thus far, these threats have only been latent. LeT cells within this country have focused on fundraising, recruitment, liaison, and the facilitation of terrorist training, primarily assisting recruits in the United States to go to Pakistan for terrorist training, but they have not engaged in lethal operations in the United States as yet. This has been, in my judgment, because they have concluded that attacking targets, including U.S. targets in India, are easier to attack than targets in Israel or the United States.

U.S. law enforcement has also been particularly effective in interdicting and deterring such attacks, particularly after September 11, 2001, and LeT always has to reckon with the prospect of U.S. military retaliation should an event occur on American soil.

My bottom line is very similar to that deduced by Brian Jenkins. LeT must be viewed as a global terrorist group that possesses the motivation and the capacity to conduct attacks on American soil if opportunities arise and if the cost-benefit calculus is believed to favor such attacks.

Let me end quickly by addressing the question of what the United States should do. I would suggest that we have three tasks ahead of us in the immediate future.

The first order of business is simply to work with India and Pakistan to bring the perpetrators of the attack in Bombay to justice. We have to do this both for reasons of bringing retribution, but

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more importantly for reasons of establishing deterrence. Attacks like this cannot go unanswered without increasing the risk of further attacks against American citizens either in the United States or abroad.

The second task that we have is to compel Pakistan to roll up LeT's vast infrastructure of terrorism, and this infrastructure within Pakistan is truly vast and directed not only at India, but fundamentally today against U.S. operations in Afghanistan, secondarily against U.S. operations in Iraq, and finally against Pakistan itself. We have to work with both the civilian regime, the Zardari government that detests the LeT and detests extremist groups in Pakistan, as well as the Pakistani military with whom we cooperate in our operations in Afghanistan, but regrettably still seems to view support to groups like LeT as part of its grand strategy vis-a-vis India.

The third and final task before us is to begin a high-level U.S.-Indian dialogue on Pakistan and to expand U.S.-Indian counterterrorism cooperation, which unfortunately has remained rather languid in the last few years. We need to focus on intelligence sharing. We have made some progress, particularly in the aftermath of the Bombay attacks, but this intelligence sharing is nowhere as systematic as comprehensive as it ought to be. We also need to look again at the idea of training Indian law enforcement and their intelligence communities, particularly in the realm of forensics, border security, and special weapons and tactics. And finally, cooperative activities with India in the realm of intelligence fusion and organizational coordination, the issues that Senator Collins pointed out, too, I think would be of profit to both countries. These tasks are enormous and the work that we have ahead of us has only just begun. Thank you very much, Mr. Chairman.

Chairman LIEBERMAN. Thanks very much, Dr. Tellis. Excellent statement, very helpful.

Incidentally, as you know, I think there is a program that this Committee has worked on that does support joint bilateral efforts in research and training, etc. Senator Collins and I have worked on that. There are eight countries in it now, but India is not yet one of them. There is 50–50 sharing, but very productive joint efforts. We are going to meet soon with the new Secretary of Homeland Security, Janet Napolitano, and urge her to initiate discussions with the Indian government to develop that kind of joint program, which will be mutually beneficial in terms of homeland security. I thank you.

Now we go to the private sector. We are very pleased to have the next two witnesses with us, really in the middle of exactly what we want to hear about. J. Alan Orlob is the Vice President for Corporate Security at Marriott International and deals with this all the time and, as Mr. Jenkins said, is a recognized international expert in this area.

Thanks for being here. We look forward to hearing you now.

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TESTIMONY OF J. ALAN ORLOB,[1] VICE PRESIDENT, CORPORATE SECURITY AND LOSS PREVENTION, MARRIOTT INTERNATIONAL LODGING

Mr. ORLOB. Thanks, Chairman Lieberman, and Senator Collins. It is nice to be here today. I am going to talk today about the attacks that occurred in Mumbai and specifically about what happened at the hotels and what we are doing at hotels.

On November 26, when the attacks occurred, four of the shooters entered the Taj Mahal Hotel. Another two entered the Trident and Oberoi Hotels. I traveled to Mumbai 3 weeks after the event with my Regional Director to see what had happened. We went to the Taj Hotel, expecting to spend less than an hour. Instead, we were there for almost three hours inspecting the scene of the carnage briefly and then spent considerable time with the Taj Group Executive Director of Hotel Operations as to how they could secure their hotel in the future. As reported in the media, he was frustrated with the intelligence provided by the government and the police response.

The tactics used against the hotels in Mumbai were not new. A similar attack had been staged at the Serena Hotel in Kabul, Afghanistan a year earlier. In September, the Marriott Hotel had been attacked by a large truck bomb in Islamabad, Pakistan. The Hyatt, Radisson, and Days Inn Hotels were attacked by suicide bombers in Amman, Jordan, in 2005. The Hilton Hotel in Taba, Egypt, and the Ghazala Gardens Hotel in Sharm el-Sheikh, Egypt, were attacked in separate incidents. The J.W. Marriott Hotel in Jakarta, Indonesia, was struck by a vehicle-borne improvised explosive device (IED) in 2003.

Hotels present attractive targets. In many cities, they are icons of commerce and tourism. Our guests include celebrities and diplomats. As the U.S. Government secures its buildings overseas, terrorists shift to softer targets, including hotels.

Sixteen years ago, as Marriott expanded its international footprint, we developed a crisis management program. We wrote a crisis manual and designated a crisis team. We conduct training, including tabletop exercises. We subscribe to a number of commercial security services that provide intelligence. We have analysts based in Washington and Hong Kong to give us a 24-hour capability. Based on these assessments, we develop specific procedures for hotels to follow.

Using a color-coded threat condition approach, we direct hotels to implement those procedures. Under Threat Condition Blue, our lowest level of enhanced security, we have nearly 40 procedures. Threat Condition Yellow adds additional security layers. At Threat Condition Red, our highest level of security, we screen vehicles as they approach the hotel, inspect all luggage, and ensure everyone goes through a metal detector.

In response to our risk assessments, we have added physical security measures, particularly in high-risk locations, including window film, bollards, and barriers. X-ray machines are present in many of our hotels, and where appropriate, we employ explosive

[1] The prepared statement of Mr. Orlob with an attachment appears in the Appendix on page 96.

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vapor detectors and bomb-sniffing dogs. We have developed advanced training programs for our security officers working in high-risk locations. In the wake of the Mumbai attacks, we recently developed an active shooter program, combining physical security with operational security and awareness programs.

Last September, the Islamabad Marriott was a victim of a terrorist attack. This hotel was operating at Threat Condition Red. On September 20 at 8 p.m., a suicide bomber drove a large dump truck to the hotel. As he made a left turn into the driveway, he shifted into first gear and accelerated, attempting to drive through the barriers. The hotel was using a combination of a hydraulic barrier coming up from the pavement, commonly called a Delta barrier, and a drop-down barrier to stop vehicles before they were inspected. These barriers contained the vehicle and it was not able to move further. When the bomber detonated his charge, 56 people were killed. Thirty of them were members of our hotel staff. There were nearly 1,500 people in the hotel at the time. It was Ramadan and they were dining, breaking their fast. Our security measures saved hundreds of lives.

Dr. Rohan Gunaratna, a noted terrorism researcher in Singapore, wrote an article shortly afterwards calling the Islamabad Marriott "the world's most protected hotel." We had 196 security officers, 60 of them on duty at the time, 62 closed-circuit television (CCTV) cameras looking both inside and outside the hotel, and bomb-sniffing dogs. It was the type of security that you would never expect to see at a hotel. Terrorist tactics continue to evolve. Our security must evolve, as well.

In my department, we study terrorist attacks against hotels. The attacks in Mumbai presented several lessons to be learned. It was widely reported that the terrorists had been in the hotel for several months, at times posing as guests, taking photographs, and learning the layouts of the hotels. We believe awareness training should be conducted for employees to understand what may be suspicious and should be reported. We recently developed a program to place discipline-specific posters in non-public areas of the hotels outlining suspicious activities to increase awareness. The housekeeper cleaning a room who finds diagrams of the hotel should report it. In high-threat areas, a covert detection team should be employed which is specifically trained to identify individuals conducting hostile surveillance.

According to media reports, the police responding were not familiar with the building layout. Plans provided to them were outdated and did not indicate where recent renovations had taken place. We believe hotel management should develop a relationship with local authorities and conduct joint training exercises. Current building plans with detailed photographs and video should be provided to the authorities.

The Taj Hotel management reported that intelligence agents had provided information which resulted in the hotel lowering their security measures. We believe hotels should develop independent intelligence analysis capabilities. Security professionals should interpret intelligence and determine mitigation measures. Hotel managers in most cases are not trained in intelligence analysis and do

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not understand countermeasures necessary to deter or mitigate an attack.

The hotel lacked physical security measures which would have made it more difficult for the attackers. This included multiple entrances, lack of a sprinkler system, and open stairways. We believe hotel designs should consider security features early in the architectural planning stage.

I hope my comments have been helpful. I am happy to provide more detail, and thank you for inviting me to testify.

Chairman LIEBERMAN. Thanks, Mr. Orlob. They have been very helpful. We look forward to the question period.

Finally, we have Michael Norton, who is the Managing Director of Global Property Management and Operations of Tishman Speyer. Thanks for being here.

TESTIMONY OF MICHAEL L. NORTON,[1] MANAGING DIRECTOR, GLOBAL PROPERTY MANAGEMENT, TISHMAN SPEYER

Mr. NORTON. Thank you, Chairman Lieberman, Senator Collins, and Members of the Committee for this invitation to address the Committee and discuss lessons learned from the Mumbai terrorist attacks.

I am responsible for managing and directing all global property management activities at Tishman Speyer. Tishman Speyer is one of the leading owners, developers, operators, and fund managers of first-class real estate in the world. Since 1978, Tishman Speyer has acquired, developed, and operated over 320 projects totaling over 115 million square feet throughout the United States, Europe, Latin America, and Asia. Some of our properties include New York's Rockefeller Center, the Chrysler Building, and the Met Life Building.

Today, our in-house property management specialists are responsible for more than 200 buildings reflecting 84 million square feet of Class A office, residential, and mixed-use properties in 34 markets across the world. In 2005, Tishman Speyer became the first U.S. real estate company to sign a joint venture agreement to develop in India. Today, we are pursuing projects in multiple cities, including Mumbai, New Delhi, Bangalore, Hyderabad, Tellpur, and Chennai.

I am testifying today on behalf of the Real Estate Roundtable, where our company's Co-Chief Executive Officer, Robert Speyer, is chair of the Homeland Security Task Force. I am also testifying on behalf of the Real Estate Board of New York and Building Owners and Managers Association (BOMA) International, two organizations where I personally sit on senior governing boards and councils. In addition to my work with these organizations, I am also a Lieutenant Colonel in the Marine Corps Reserve. Next month, I enter my 25th year of service.

Looking forward, for the owners and operators of high-profile commercial buildings, there are at least five areas of continued concern in light of these Mumbai attacks.

[1] The prepared statement of Mr. Norton appears in the Appendix on page 103.

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One, the need for ever-improved communications capabilities, both in-house and with local law enforcement and emergency response agencies.

Two, the still not fully tapped potential of employees at commercial office buildings to help law enforcement and homeland security officials detect threats and assess vulnerabilities.

Three, more fully addressing our interdependence and co-location with mass transit and other major soft targets.

Four, acknowledging and improving our role as the first responders in the period between the initiation of an attack and the arrival of law enforcement.

And finally, acknowledging our dependence on well-informed and well-equipped law enforcement and homeland security emergency officials for effective deterrence and response.

Shortly, I will suggest some specific areas for making progress in each of these areas, but first, let me talk a little more about the changing threat environment and some of the steps our company and others in the industry have taken since September 11, 2001, to better manage those.

Given the primary role of local law enforcement in deterring terrorists from commencing with commando-style attacks, the core mission for building owners in the event of such an attack should be to limit loss of life and property for as long as it takes law enforcement to control the situation. To that end, security and building staffs will be acting as first responders. It is important to remember, however, that unlike traditional first responders from the police force, our personnel are unarmed. In our view, this critical interim role requires more attention.

Building personnel can and should be trained to identify suspicious behavior, especially behavior consistent with surveillance or casing of our facilities. When we look at some of the post-September 11, 2001, office building initiatives that are now set in place, we see many that will assist us in meeting our goal of protecting the lives of our tenants. These initiatives or practices can be organized into six basic categories: Communications, training programs, emergency response, target hardening techniques, information sharing, and coordination initiatives. While all of these play a significant role in managing the risk of the Mumbai type of an attack, I would like to focus principally on communications, training, and target hardening.

The single greatest lesson learned from September 11, 2001, was the need for robust local communication channels with emergency response officials. We have made significant progress in achieving this goal in many of the larger cities that we own properties in. New York City has, in my opinion, become the gold standard in this regard.

As an example, the NYPD gave a briefing on the Mumbai incident to the security directors just one week after the attacks that included a live commentary from an NYPD captain who was still on site in India. To varying degrees, this kind of public-private communication is happening in Washington, DC, Chicago, and Los Angeles. More can and should be done to improve these programs in those cities and to bring a similar spirit of partnership to other U.S. cities.

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Since September 11, 2001, the security industry has improved the training of its employees in key areas, such as surveillance techniques, observation skills, and building layout designs. For example, the Service Employees International Union (SEIU), the largest services union in North America, has developed a 40-hour course for their officers in New York City, and I think they are going to adopt that in other cities, most recently Washington and San Francisco.

Almost every terrorist attack requires a great deal of planning and preparation, including site visits to determine how the target is protected, both during business hours and after business hours. If trained in how this surveillance is likely to occur, our security personnel will be in a better position to act as the eyes and ears of the police and to detect this kind of suspicious behavior.

Local law enforcement also needs to train in a way that is geared toward specific types of buildings or even specific iconic structures. As Police Commissioner Ray Kelly said in his testimony before this same Committee earlier this month, in Mumbai, the attackers appeared to know their targets better than the responding commandos. At the very least, local police should be aware of the layout of all high-profile buildings and who owns or manages them. DHS has conducted threat assessments on many iconic properties, and in some but not all cities, local police do that, as well. I believe this is an extremely important pre-attack planning need. Just as terrorists conduct pre-raid surveillance acts and intelligence gathering operations, we need to do the same.

After September 11, 2001, building owners have hardened many commercial office properties in ways that could assist in defending against a Mumbai-type of attack, but we must be realistic and recognize that our security officers are all unarmed and most building lobbies are accessible to the public. Well armed, walking terrorists would have no trouble gaining access. This is why the key to preventing a Mumbai attack in major cities will be our reliance on the quick actions of our local police and regional law enforcement.

Hardening measures are shared through the exchange of best practices, both in the United States and sometimes in our counterparts overseas. One London program that has gained the support of the private sector is called Project Griffin. Under this program, the City of London Police and the Metropolitan Police train private sector security officers in a wide range of procedures to combat urban terrorism, offer them weekly intelligence briefings, and deputize them during periods of high-threat alerts to perform certain functions.

At the beginning of my testimony, I mentioned five key areas where we need to continue to make progress. Taking these points one by one, let me offer some quick suggestions.

Communications and information sharing: Our goal in the commercial real estate high-rise office industry is to best protect the lives of our tenants and visitors until the local law enforcement can appropriately deal with the situation. To that end, effective information sharing partnerships with local officials will be critical. Programs such as the NYPD Strategic Home Intervention and Early Leadership Development (SHIELD) program and Project Griffin in London need to become the norm in major urban areas. Federal

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and State policy should encourage the launch of such programs on an expedited basis.

Terrorism awareness training and exercise: Local law enforcement and emergency response officials should also be encouraged by State and Federal policies to train and exercise jointly with the private sector. Just as we need to learn more about likely emergency response actions in an emergency, government officials need to better understand our facilities and our personnel's capabilities and limitations in a crisis.

Interdependence with mass transit: One specific area that I recommend would be further advanced is joint training regarding the interdependencies, including co-location of iconic buildings and mass transit facilities. Specifically, we need to develop effective tabletop exercises between local police, fire, medical, public health, and our building staff using scenarios based in part on the Mumbai-type attacks that affect the government and private sector. We would be happy to offer use of our buildings and some similar iconic buildings as the site for such an exercise in the future and we encourage other building owners to undertake similar joint exercises with mass transit officials.

I have mentioned that our building staff and security officers will be the first responders if a terrorist targets our office environment. Improving training of building staff on building operations, emergency procedures, first aid, and a means to effectively evacuate, shelter in place, or close off sections of a property is crucial. In addition, I believe now is the time to consider offering to these brave men and women the special financial and medical coverage that other first responders, like police and fire, can obtain in the event of terrorist events.

While I know all of you understand this, it bears repeating. At the end of the day, the private sector has a support role in dealing with Mumbai-type of attacks. The primary responsibility is with local law enforcement. We have a huge stake as an industry in programs including Federal programs that offer those brave men and women the training, cutting-edge intelligence, and equipment they need. I believe we can and should do more in that regard.

This concludes my oral testimony. Thank you.

Chairman LIEBERMAN. Thanks, Mr. Norton.

We will do 6-minute rounds of questions. Both of you have described very active programs for Marriott and Tishman Speyer. Am I right to conclude that almost all of this is self-generated and not incentivized by government in the first place?

Mr. ORLOB. In our case, that is certainly true.

Chairman LIEBERMAN. Yes. Mr. Norton.

Mr. NORTON. A little of both, more so private though, and like I said, in the New York sector, we get a lot of participation with NYPD. So we work closely with them.

Chairman LIEBERMAN. So New York is, in a way, an exception, or as you said, the gold standard. That is the one case where you are working very closely with a governmental entity.

Mr. NORTON. More so than other markets, yes.

Chairman LIEBERMAN. Have you had any contact with the Department of Homeland Security in Washington in the development of the security programs that you have? Mr. Orlob.

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Mr. ORLOB. About a year ago, there were a few of us in the hotel industry that formed a group called the Hotel Security Group, and basically, we took the 10 biggest hotel companies and reached out to their corporate security directors. So we brought them in, and the purpose of it is information sharing. But also, we reached out to the State Department's Overseas Security Advisory Council (OSAC), and we also reached out to DHS. DHS came to us and explained to us that the training that they offer, especially in surveillance detection, is the type of things we were looking for. So they have reached out and they have offered to provide those programs.

Chairman LIEBERMAN. How about you, Mr. Norton?

Mr. NORTON. We have. In the post-September 11, 2001, era DHS has done threat assessments on some of our iconic assets and we have worked closely with them on evaluating those and have used some of their standards to implement while we purchase other assets.

Chairman LIEBERMAN. I know that a number of organizations have issued standards and guidelines to help the private sector secure critical infrastructure. I wanted to ask you now to indicate the extent to which industry associations have assisted you in the development of the security steps that you have taken.

Mr. NORTON. I think it is more not so much industry, but working together as real estate companies, so sharing best practices, sitting in groups like the Real Estate Board of New York with other owner-operators, and every day buildings trade hands, trade ownership. We are purchasing, we are acquiring, we are developing, and it becomes best practices. So it is more of internally within the private sector we are sharing best practices. We are doing our own threat assessments and we learn lessons from the blackout we had in 2003 and from obviously the post-September 11, 2001, era that we work in. There is more so of that. And there are some industry associations. BOMA International has guidelines that they provide us and that we live by and that we look at as we execute certain things in our buildings.

Chairman LIEBERMAN. Do you think that the security measures that Tishman Speyer have taken are typical of large real estate entities in our country or is your company unusually active and aggressive in this area?

Mr. NORTON. I think that they are very similar when you put it in a Class A format.

Chairman LIEBERMAN. Right.

Mr. NORTON. And there are five or six real Class A operators of that kind of real estate and I think they are pretty much using the same standards and methods, yes.

Chairman LIEBERMAN. But probably others have not, in part, I assume because of the cost, is that right?

Mr. NORTON. Everything is market-driven and cost is the key. Tenants are escalated the costs of security, cleaning, engineering, and it is what the tenant is willing to pay. As you know, in Washington, DC, you can walk freely into buildings without turnstiles, but in New York City, you can't walk freely in without checking an ID, then getting a pass to go through a turnstile. So it is a different flavor.

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Chairman LIEBERMAN. Correct. And I assume, just to make the point, that part of why your company is investing so much money in security also has to do with a financial calculation, that the security itself is a commercially attractive asset.

Mr. NORTON. Absolutely. It is an investment, and we hope to attract Fortune 500 tenants to those types of assets, who then pay higher rents because they are in a secure environment.

Chairman LIEBERMAN. Yes. Mr. Orlob, talk a little about the hotel industry. I also was fascinated because sometimes big things are done in little ways, the idea that you would train the housekeepers to be alert to what they may observe in the course of just cleaning up a room. As you said, if they see blueprints of a hotel, that should ring some alarm bells and they should report. Are all of Marriott's employees now being sensitized to look for that kind of information?

Mr. ORLOB. Well, certainly they are in what we call high-risk environments.

Chairman LIEBERMAN. Yes.

Mr. ORLOB. When we look around the world, we have about 40 of our hotels at what we call Threat Condition Red.

Chairman LIEBERMAN. Right.

Mr. ORLOB. I think we have 42 of our hotels at Threat Condition Yellow, and I think we have close to 70 hotels at Threat Condition Blue. So these are the hotels that have enhanced security. We started the program there, rolling it out to those hotels because we wanted them to get that information right away so that those employees are sensitized to it. But as we continue to roll this program out, we want to get this out to all our employees.

Chairman LIEBERMAN. Dr. Tellis, let me just ask you—this is a big question and I don't have much time left, but I thought it was significant that you pointed out that Lashkar-e-Taiba is now second to al-Qaeda in that part of the world. But also, because it is very important, the first news reports, some of them indicated that this is a group that was focused on Kashmir and the dispute between India and Pakistan over Kashmir. Now, you are saying, and I know you are accurate here, that all you have got to do is listen to them and read their stuff. This is a much more global Islamist group, correct? And that is why the relevance to the United States—although as you said, they are here, but the threat is latent—is important for us to focus on.

Mr. TELLIS. That is right, and the record, I think, speaks even more clearly than what they say, because LeT started operating in Afghanistan in 1987. It moved into Kashmir only in 1993, and it did so really at the behest of the ISI. The track record of the group's evolution clearly shows that Kashmir came somewhat late in the day as an operational theater to them.

Chairman LIEBERMAN. Right.

Mr. TELLIS. They really have a global agenda.

Chairman LIEBERMAN. You make an important factual point. To the best of your knowledge, Lashkar-e-Taiba was not founded by ISI. I take it that it was founded before, but I gather at some point a link was made, is that correct? Because some have said it was founded by ISI.

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Mr. TELLIS. No. It was founded by three individuals, one of whom was supposedly a mentor to Osama bin Laden. But it became very quickly tied to ISI because its motivations and its world view were very compatible with the leadership of ISI at that time.

Chairman LIEBERMAN. Right. Thanks. My time is up. Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman, I would note that we have a vote on. Do you want us to proceed for a time, or how would you like to——

Chairman LIEBERMAN. Yes. I will tell you what. If we can do it, why don't you proceed. I will go over——

Senator COLLINS. OK.

Chairman LIEBERMAN [continuing]. And hope to come back in time, and we will keep going as long as people are here.

Senator COLLINS. Thank you.

Chairman LIEBERMAN. OK. Good.

Senator COLLINS [presiding]. Mr. Jenkins, you mentioned that the attack on the train station in Mumbai accounted for more than one-third of the deaths and you talked about the fact that if you look at other terrorist attacks around the world, mass transit is frequently a target because of the number of casualties. How would you evaluate the security that we have in the United States and the priority that we are placing on securing train stations and other areas of mass transit?

Mr. JENKINS. The challenge in protecting public surface transportation in this country is the fact that it is public, that is, we have to begin with the idea that this is a public facility that is supposed to be convenient for passengers to use. It is an even greater challenge than aviation security. We can't take the aviation security model and apply it to surface transportation. We now employ 45,000 screeners to screen approximately two million passengers a day boarding airplanes in this country. The number of people who use public surface transportation in this country is many times that, so cost, manpower, and delays would prohibit that kind of model.

Surface transportation is clearly a vulnerable target. It is an attractive target. What we are looking for are mechanisms with which we can do several things. We must increase the deterrence and preventive measures without destroying public surface transportation, and that takes both capital investment and training, and indeed, according to some, we are behind in funding that, in closing that vulnerability.

We also need to be able to put into place mechanisms that provide a platform so that in high-threat environments, or say, in the immediate wake of something like the attacks in Mumbai, London, or Madrid, we can go up several notches for our transit systems but have the training and platforms for doing that. So if we have to increase the number of patrols or go to selective searches, we can do that, and we are trying to do that now.

The third area has to do with response, crisis management, and things of that sort, and we are behind in that, and I think the operators can do more than that. There is a recent DHS report out that says that—we reported on this for the first time—we are probably

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behind in developing our emergency planning and response capabilities.

Senator COLLINS. Thank you.

Mr. Orlob, I, too, was struck by the statement in your testimony where you talked about training the housekeepers who are in high-risk hotels to report suspicious activity, such as finding diagrams of the hotel in a room. I believe that one of our principal weapons in detecting and disrupting a terrorist attack is vigilant citizens reporting suspicious activity.

I mentioned in my opening statement that to encourage that kind of reporting in the transportation sector, the Chairman and I authored a bill that became law to give immunity from lawsuits if someone in good faith reports to the proper authorities evidence of a terrorist plot or other suspicious activity. Currently, however, the law is very limited. It only applies to reports of suspicious activity in the transportation sector. Would you support expanding that law to provide immunity from lawsuits to individuals who in good faith report suspicious activities to the appropriate authorities? Do you think it would help your efforts?

Mr. ORLOB. I think that it makes a lot of sense. I am sure there is some sensitivity among some of our employees to report things like that just because of what you are talking about, and I think if they knew that they were not subject to any type of lawsuit or prosecution, that certainly that makes a lot of sense.

Senator COLLINS. Mr. Norton.

Mr. NORTON. My only real exposure to that is obviously in New York City, they have a campaign—if you see something, say something—and it is inundated throughout the city. Again, I think it would be helpful to educate people as to what does that mean and am I protected if I am going to make a phone call. But frankly, I think, in New York, people are very quick and willing, especially in the post-September 11, 2001, era, to make that call. We have a lot of tourists that come, take lots of pictures, lots of videos, but when they are doing things in railway stations or in loading docks, people make that phone call. So I think that you have to encourage it. You have to encourage people to make that call. It will save lives.

Senator COLLINS. Thank you. Senator McCain.

OPENING STATEMENT OF SENATOR MCCAIN

Senator MCCAIN. Thank you, Madam Chairman, and I thank the witnesses for being here.

Mr. Jenkins, I will read your book immediately. I thank you for your important contribution and that of RAND to helping us understand this attack. I do think we should highlight the fact that it is the first attack that has been as well orchestrated, as well trained, as well equipped. They obviously outgunned until the commandos showed up. They weren't necessarily suicide individuals, that they were able with just a handful of people to hit 10 targets. I think there are a whole lot of lessons here that maybe we haven't paid that much attention to.

Mr. Jenkins, what do you think is the danger, in going along with your book, that the terrorist organizations within Pakistan

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might be able to obtain the nuclear weapons that we all know Pakistan has?

Mr. JENKINS. I think it is a real concern. We do receive regular reassurances from the Pakistani authorities that they have the nuclear weapons under tight control, but one does worry. When we look at the nexus in Pakistan between organized crime figures like Dawood Ibrahim and terrorist organizations, and we look at the black markets that were created to support Pakistan's own nuclear program through A.Q. Khan, I mean, this is a set of connections between organized crime, government authorities, and terrorist organizations that does raise the specter of the possibility of large-scale finance and real concerns if they move into weapons of mass destruction.

I don't want to exaggerate the threat because I still do believe that terrorists get a tremendous amount of mileage out of doing low-tech things without attempting to do some of the more technologically challenging things, and the Mumbai attack was, as I mentioned before, an example of basically small-unit infantry tactics that paralyzed a city of 20 million people for the better part of 3 days.

Senator MCCAIN. And obviously knew the territory, at least far as the Taj Hotel is concerned, a lot better than any of the people who were trying to eliminate them.

Dr. Tellis, very quickly, and I apologize because we have a vote going on, you said the terrorists have got to be brought to justice and the Pakistanis have to roll up the terrorist organizations, but particularly LeT. What do you think the chances of that happening are? It hasn't yet.

Mr. TELLIS. The chances are remote, but they can't afford to keep it that way because we have essentially seen this game evolving now for close to 20 years and the costs of these terrorists staying in business have progressively increased.

Senator MCCAIN. Does that then over time increase the likelihood that the government of India will feel they may have to take some action?

Mr. TELLIS. Yes, sir.

Senator MCCAIN. It is a real danger.

Mr. TELLIS. It is a real danger. In fact, the current crisis is not over yet.

Senator MCCAIN. I thank you, Madam Chairman. I apologize. I have about 20 more questions, but I appreciate the witnesses and their testimony here this morning. Thank you.

Senator COLLINS. We will suspend the hearing just briefly until Senator Lieberman returns. Thank you.

[Recess.]

Chairman LIEBERMAN [presiding]. Thanks very much. The hearing will resume. Thanks for your patience and understanding.

I gather Senator McCain was in the middle of his questioning, but we will wait until he comes back and then bring him on.

Senator Bennet, it is an honor to call on you for the first time in the Committee. We are very pleased that you have joined the Committee. You bring considerable talents both to the Senate and to the Homeland Security and Governmental Affairs Committee, and we look forward to working with you. Thank you very much.

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OPENING STATEMENT OF SENATOR BENNET

Senator BENNET. Thank you, Mr. Chairman. I want to say thank you to you and the staff for being so welcoming to me as the newest Member, and to Senator Collins, as well, for her leadership in the Committee. I look forward to serving.

I had a couple of unrelated questions. One, Mr. Jenkins, you mentioned that as we look at Pakistan, the choice might be less than full cooperation on the one hand versus, I think you described it as internal chaos on the other hand, and I wondered whether we can glean anything from their response to the attacks in Mumbai to give us some indication of whether those remain our only two choices or what a third choice might be if there is one.

Mr. JENKINS. The government of Pakistan did make some response in doing some things under great pressure. Their response is certainly not regarded as adequate by the Indian authorities.

One of the problems that the Pakistani government also faces is public opinion in Pakistan itself. I mean, according to public opinion polls, the No. 1 long-term national security threat to Pakistan is the United States. No. 2 is India. And you go way down the list before you come to al-Qaeda, the Taliban, LeT, and the other groups, so that the government of Pakistan really has to almost defy public opinion to do something. Moreover, we do have the reality that the civilian elected government's authority over the Pakistan military and intelligence services is limited. So we can keep on pressing them, as we should, but I think we have to accept that this is going to be a long-term diplomatic slog before we really can enlist Pakistan as being fully cooperative against terrorism.

And, by the way, the problem didn't begin with this government or even the previous government. It was recognized by the National Commission on Terrorism in 1999 and 2000 that Pakistan was not fully cooperating against terrorism.

Senator BENNET. In view of that, it is obviously hugely problematic since that is where these groups are being harbored. What is it that can be done? I mean, we have got the diplomatic slog on the one hand, but what steps are we taking or should we take, or India take, to protect these targets knowing that we won't get the sort of cooperation immediately that we need from the Pakistani government or military?

Mr. JENKINS. I think we have to work directly with the military to bring about at least a shift among some in the military to increase cooperation in going after these groups along this turbulent tribal area, in this border area. We do have some relationships that have been developing. I think our long-term goal there is to create a more effective military capability to deal with these groups.

Pakistan has been somewhat schizophrenic. At times, it has tried to make deals in some of these turbulent areas and negotiate ceasefires. That hasn't worked. At times, it has gone in with military force, and its own forces haven't fared well. I think we can do a lot more in terms of creating with military assistance some new relationships and a long-term effort to create some new capabilities. We have put billions of dollars into this and it is slow going. Dr. Tellis will have more to add about this, but I am not wildly optimistic in the short term.

Senator BENNET. Dr. Tellis, would you like to comment?

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Mr. TELLIS. I think it is going to be a long slog, but Pakistan's own positions, or at least the army's positions with respect to terrorist groups has changed over the years. For the first time now, the Pakistan army, both the Chief of Army Staff and the head of the ISI, are publicly willing to admit that Pakistan's central problem is terrorism and not India. This is a big shift.

There is still a lag, however, between that appreciation and actually doing something about it, and so the hope is that if they are successful, at some point, there will be a catch-up and the rhetoric and reality will somehow come together. But this will take time, and so we have to keep at Pakistan, and it will be a combination of both incentives and pressure. I don't think we have a choice.

But the point I want to make is that, historically, when the Pakistani state, meaning primarily the army, has made the decision to crack down on certain terrorist groups, they have actually done it very effectively. And so it is simply a matter of getting the motivational trigger right, and that will require a certain degree of comfort that they have with us and with the Indians, and with a bit of luck, we will move in that direction.

Senator BENNET. Mr. Chairman, I am about out of time, but I had one other question.

Chairman LIEBERMAN. No, go right ahead. Since it is only you and me, take some time.

Senator BENNET. Thank you. And more on topic for today, when I read the materials, it seems that there was a general sense that something major was going to happen and that was not communicated, that there was a lapse of communication of some kind between India and others, that there was no communication, it appears, between India and authorities in Mumbai, and undoubtedly none with the private sector that was there.

I wonder, sort of extrapolating from all that and not concerning ourselves so much with the history of that particular event, as we think about our potential soft targets in the United States—and we still have yet to really develop a consciousness around this, I think we heard some discussion about the hardening of targets in New York and other places, but it is not the general norm. How do we need to think about improving our communications so that people really do understand when there is risk and fill those gaps between the Federal Government, local law enforcement, and our private sector?

Mr. JENKINS. We have improved in information sharing. I mean, what India learned in Mumbai is the problem of connecting the dots. They had dots. They didn't connect them. We had that driven home to us in September 11, 2001, and clearly there has been a great deal of improvement. The amount of information that moves around between Federal authorities, State authorities, local and tribal authorities now is much greater than it was before, although it is still a challenge. I don't think we can say with confidence that we are delivering the necessary information to those who need it to make decisions on the front line in every case, but it has improved.

I think we do have to make a distinction between information and intelligence. Intelligence is concerned with who did it and how we know that, and that is not what many of our local operators or

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local police departments even need to know. What we need to know in these cases is what happened and how they did it. Who did it doesn't make any difference at the local operator level when you are making decisions about increasing security and doing these things. So that is something we can continue to work on.

We have, I think, funded the fusion centers. These are really all-hazard response organizations. They do have an intelligence function, but they are primarily intended to respond to all hazards. Those need continued support, but we need to enhance local capabilities further. We can't think of this as a Federal top-down, hub-and-spokes system. We have to create more capability at the local level, and our local governments and State governments are really strapped. So we need to make that happen.

We need to probably even elevate information sharing to a higher level of priority within DHS for the new Secretary to really push hard on that as a priority area. We have some initiatives which really merit support and can fall into the bureaucracy, some of these shared mission communities and other mechanisms for collaboration that are in danger of being missed, and we need to do that.

And I think, finally, in terms of information sharing, we really need to take a fundamental look at our clearance and classification system. We are still operating with clearance procedures that were created during the Cold War to deal with a different spectrum of threats. We are now dealing with nebulous networks, fast-moving developments, and we have to come up with a much more streamlined process for moving intelligence and information around in this system than this somewhat cumbersome thing that we have inherited from half a century ago. That has become an impediment now.

Senator BENNET. Mr. Chairman, that is all I had. I do have a statement that, with your permission, I would like entered into the record.

[The prepared statement of Senator Bennet follows:]

PREPARED STATEMENT OF SENATOR BENNET

Good morning. Thank you, Chairman Lieberman and Ranking Member Collins for holding this hearing. I respect the leadership you both have exercised over this Committee, and I am honored to be its newest Member. In addition, I'd like to thank our witnesses for being here today for this second hearing on the November 2008 Mumbai terrorist attacks.

I would first like to offer my heartfelt condolences to the families of all 172 victims of the terrorist attacks in Mumbai. As someone who spent some time in India during my youth, I was particularly troubled by these senseless attacks, and I sympathize with all those who have been affected by these acts of terrorism.

The attacks on Mumbai involved new tactics and new technology designed to inflict maximum damage on the public. We have learned that the attacks employed uniquely coordinated teams of attackers, targeting multiple and changing locations—a departure from past suicide bomber attacks. They used cell phones and GPS, and, throughout the 62-hour ordeal, the attackers remained in contact with remote "handlers." In addition, the attackers targeted hotels and other public locations—"soft targets" known for tourism and commerce.

As we examine what happened in Mumbai, we know that we cannot sit back and simply hope it will never happen again. It is the unfortunate reality of our time that groups of extremists are bent on destroying the safety, security, and ideals America and her partners hold dear.

Armed with the hope that we will one day defeat these terrorists, we must do everything we can to keep our country safe. As we study the trends used in the attack in Mumbai and elsewhere, I hope we can help develop a set of best practices for

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intelligence authorities, local law enforcement officials, and private businesses in the U.S., India, and other countries that will help us make the world a safer place. Thank you.

Chairman LIEBERMAN. Without objection, so ordered. Thank you, Senator Bennet.

Senator BENNET. Thank you, Mr. Chairman.

Chairman LIEBERMAN. Not at all. We will do another round.

I appreciate what you said, Mr. Jenkins. I think it is an important point as we try to sort out responsibilities that on these matters of protecting soft targets, there is no question that this is initially private sector because most of these are privately-owned. The Federal Government has a role here, which I want our Committee to explore as to what we can do—both of you made suggestions—to incentivize or assist the private sector in preparedness and upgrading security on soft targets.

But then the real work has to be done at the local level. That is the natural place. It is certainly obvious. As our friends in India found out, if you are dealing with a central national response, it is hard to get them there in time. We would like to think we would get our people there more quickly than happened in Mumbai, but still, the first order of response, as Commissioner Kelly made very clear when he was with us, is local, and the natural interaction, the much easier interaction between law enforcement and the private sector is at the local level. It is just not going to happen nationally.

So part of what we have to decide—I agree with you. I repeat, I think Commissioner Kelly and the NYPD are the gold standard. There are others—Chicago, Los Angeles, Washington—doing well, but then there are a lot of other places in this country which have soft targets where the local police simply have not had the capacity to get involved, and that is where I would like to see—we are feeling strapped, too, these days financially—how we can assist the local police departments in assisting the private sector in getting this done.

While you were out, Senator Bennet questioned. I have started a round and I will go right to you.

Senator COLLINS. Thank you.

Chairman LIEBERMAN. Let me ask you just in that regard, and I will start with Mr. Norton because you had some suggestions on this, to develop a bit more what you have in mind that the government can do in those particular areas that you focused on—communications, training, target hardening—to either incentivize or assist the private sector.

Mr. NORTON. I think it is important to just know in the industry itself, security officers have about 110 to 125 percent turnover rate. So from our perspective, we want to do anything we can to incentivize, give them dignity, give them benefits, make them feel good that they have a job that they can go to, and most importantly, create continuity and consistency, because when you have a high turnover of upwards of 125 percent, your people may be trained one day. The next day, they are gone to a new job and you have the next guy in.

So I think creating standards and best practices that we can implement and execute and making it attractive as an industry would

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be very helpful. I think that is starting to happen. It hasn't fully been executed yet here in the United States. It all started with the cleaners. It is sort of ironic. You have a security guard making $8 an hour and he is the front teeth of a $1 billion asset, and the guy pushing the broom can walk into a union, make $20 an hour, and speak no English and really, I think, it sets a different tone. That is why you have such a high turnover. So I think we need to somehow continue to push that if we are going to secure these soft targets.

Chairman LIEBERMAN. Yes, I agree. It is a few years since I have heard this, but at one point in the last 2 or 3 years, security guards were the fastest-growing job sector in our economy, but that doesn't mean that they were getting paid well or that they were well trained. We know that some of the private companies do very well at this. Others do not. And we have actually done some work, including legislative work, on this.

Let me, in the few minutes I have left on this round, go to Dr. Tellis and ask you to respond to this. Mr. Jenkins said, I think, something to me that seems quite right, which was that in many senses, but in one particular sense I want to ask you about, Mumbai was for India what September 11, 2001, was for the United States. And in the one sense I am talking about, for us, obviously, it revealed the stovepiped Federal agencies, State and local, were unable to connect the dots. I think one of the most significant things we have done after that was to create the organized, coordinated Director of National Intelligence and particularly the unsung but very critical National Counterterrorism Center (NCTC).

In your testimony, you talked about these attacks offering us an opportunity for improved cooperation with India on counterterrorism, including intelligence sharing and law enforcement training. I wonder if you would speak in a little more detail about and also indicate whether you think the first round of Indian legislative response, which has occurred, will deal with this stovepipe problem and will make it more likely that the dots will be connected if there is a next time.

Mr. TELLIS. Let me address the last question first.

Chairman LIEBERMAN. Go ahead.

Mr. TELLIS. I think the legislative response that they have engaged in has been quite inadequate because what in effect they have done is they have created a new investigative agency to deal with the problems after they have occurred.

Chairman LIEBERMAN. Yes.

Mr. TELLIS. It is an investigative agency that essentially will bring perpetrators to justice. Now, that is important, but it doesn't help them solve problems in terms of prevention. They still have to create something like the equivalent of the NCTC. They haven't done that yet. They are struggling with the issues of classification that Mr. Jenkins mentioned, because traditionally, the information that they got has been primarily through technical intercepts which are shared by a very small group of people. They have not had a system where this information is rapidly disseminated to law enforcement and to those elements on the front line.

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And so the big challenge for them is fusion. How do you fuse the information coming from diverse sources, different organizations, maybe even different levels of classification, and getting it to the people who actually need to have it? This is where I think we really can make a difference, bringing them to the United States, really giving them the tour, having them intern in institutions like NCTC so that they get a feel for how we do it. Now, obviously the submission can't be replicated in exactly the same way, but the basic principle of fusing information coming from different sources and making it available to people who need it, I think, is something that they still have a lot of work to do.

Chairman LIEBERMAN. That is a very helpful response. As you know, I visited New Delhi with Senator McCain about a week after Mumbai. We talked with Mr. Narayanan, the National Security Advisor, about what could we do to help. He said he had been in New York, I believe for the General Assembly of the U.N. last fall, and spent some time with Commissioner Kelly and went to one of our fusion centers, and that is good. But I think you have a very relevant idea, which is we ought to try to get some high-ranking Indian officials to come back and spend some time with the DNI and particularly at the National Counterterrorism Center because I agree with you. My impression from here has been that they have not done enough.

And this is not easy. As we can tell you, these are entrenched bureaucracies all working for the national interest but really not wanting to share information. I will never forget the first trip that Senator Collins and I made out to the National Counterterrorism Center. The director took us around the floor, quite impressive, every agency there, real time, 24/7, with constant information sharing. He said, "This gentleman at this desk is with the CIA. This lady at this desk is from the FBI. Note there is neither a wall nor a door between them." That was an advance. [Laughter.]

Thank you. Senator Collins.

Senator COLLINS. Thank you, Mr. Chairman. I remember that trip very well, too, and I do think it is making a real difference. While it is not discussed nearly as much as the other reforms of the September 11, 2001, bill, the intelligence reforms of 2004, I think it is one of the most important as far as making a difference, and it brings us back to the importance of information sharing.

Dr. Tellis, you made a comment in your testimony about LeT having the capability to launch attacks in the United States, and you also referred to the fundraising and recruitment activities that LeT is conducting in our country. On the way to work this morning, I heard on NPR a report of a case that has troubled me where citizens of Somali descent are disappearing from Minnesota and there was concern, and it had been a classified concern but I heard it on the radio this morning, that there was a plot against our new President around inauguration that originated in Somalia.

So we are seeing activity right here in the United States to recruit American citizens. Now, this makes sense if you think of the advantage of having an American who can travel freely, who isn't going to be under the kind of surveillance as someone who has to come into our country. But what we are finding, or what we are told is that in some cases, American citizens who have become

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radicalized are being recruited to go fight elsewhere, to conduct suicide missions overseas. Why would groups like LeT and other terrorist organizations go to the expense and trouble of recruiting Americans to die in an operation overseas?

Mr. TELLIS. I think it is ideological. I mean, there is a vision that there is a global struggle against the United States and if you can find people from outside to conduct the struggle and if the foot soldiers are entirely from the outside, then it becomes an "us versus them" problem. It breaks down across national lines. It is the United States versus the rest, or others versus the United States.

If you can get people from the United States to join this movement, then essentially what you have done is you have exploited corrosion from within, and this is really part of the vision. The vision that LeT has in particular is that the West is decadent, that the West is immoral, that it will crumble. It needs to be assisted in the process of doing so. And so I see this as being part and parcel of this very corrosive vision that takes them wherever they can go.

In fact, the fascinating thing about LeT, and we noticed this actually in the early 1990s, way before global terrorism was on anyone's agenda, was that LeT had moved out of the subcontinent in a very big way. We noticed their presence in West Africa, fundraising. We had noticed their presence in Europe. These are not places that you would think of in the 1990s as being ripe for terrorist activity, but LeT saw opportunities and they were there.

And so the important thing about this group is that they are extremely opportunistic. They are extremely adaptable. And the point that Mr. Jenkins made earlier, their vision is utilizing the best of modern science and technology for their ideological ends.

Senator COLLINS. It also struck me when you were talking about not only their capabilities, but their ability to form alliances with other terrorist groups, and that is very threatening, as well.

I would wager that if you surveyed 10 Americans on the street, every one of them would have heard of al-Qaeda. I bet you not a one of them knows about the threat from LeT, and part, I believe, of our mission is to try to raise public awareness that the threat is not just from al-Qaeda, but from like-minded terrorist groups, and also—and we have done a lot of work on this—from groups or individuals who are inspired by the extremist Islamist ideology but aren't linked to any of these groups. That is where we get the homegrown terrorists, and we have seen evidence of that kind of radicalization in our prisons, for example. So this is an area where I think we need to do a lot more work.

I want to ask our two private sector witnesses, you have talked about the need for information sharing, but what about training? Do you think DHS could be helpful to you in that area? I noticed that the FBI and the DHS, and I don't know whether you have seen this, but they have come up with a private sector advisory that has a checklist on how to detect potential terrorist surveillance and what you should do, everything from identifying locations that the terrorists must occupy to view security or to identify vulnerabilities. It states that many terrorists lack the training to conduct skillful surveillance and they will make mistakes, which can be how you can catch them.

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Are you familiar with these efforts by DHS? I am trying to assess how helpful DHS is to you.

Mr. NORTON. I am familiar with that, and I think I talked to your staff a couple of weeks ago about this. Something that was very helpful to us was working with the Red Cross in New York—last year, actually—where we had Red Cross Awareness Day. They set up booths in our buildings and they gave away kits to our employees and the tenants of the buildings, everything from a flashlight, to a bottle of water, to a blanket. They get on the train every day and don't think, this could break down, we could get attacked, we might be stuck here for a long period of time, we take that for granted. But now we are trying to make people more aware and be safer.

We gave them home plans, things that they can do at their own homes to be prepared in the event that they have to shelter in place at their house for a period of time. So how do you lock down, make a fire emergency plan, have water and food, and keep your children safe.

I think it was a great tool. We got tremendous feedback from the tenants and it is keeping New York safe and it is a program that we are going to take to the next level and roll it out into our other markets.

Senator COLLINS. Thank you. Mr. Orlob.

Mr. ORLOB. I think that is a good tool. What we have to look at is we need to develop something specific to the hotel industry, and I talked about earlier, we even have to make it specific to what they do in the hotel. The housekeeper is going to be looking at something different than a bellman, for instance. So that is what we have tried to do, is take this information and then make it specific to what they do in the hotel.

The other challenge we had as we started developing this is we have a lot of people who speak a lot of different languages. Not all of them speak English. So we tried to make something with as many pictures as possible so that they could visualize it rather than read it.

My original concept as we developed this was to come up with a booklet that people could look at, and then we started talking about the different languages and the challenge of doing that and that is when we decided we needed to shift to another way of educating them and making them aware and we started putting these posters together, again, with a lot of pictures that they could look at because we operate in so many countries around the world and not everyone speaks English. Sometimes we think a little U.S.-centric at times and we need to kind of get out of that mindset and think around the world.

We have a lot of American citizens staying in our hotels, too. So we have a real challenge there to make sure that all our hotels are safe to take care of everyone staying there.

Senator COLLINS. That is a challenge, and I appreciate both of you sharing your expertise with us.

My final question is for Mr. Jenkins, if I may.

Chairman LIEBERMAN. Please.

Senator COLLINS. I am thrilled to have your book because the Chairman initiated hearings last year on the threat of nuclear ter-

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rorism and we have done a lot of work. I realize you can't sum up your entire book in 2 minutes, but I am going to ask you to try, nevertheless, to answer the question you posed on the cover, "Will terrorists go nuclear?" Not that I am not going to read the entire book, I hasten to say. [Laughter.]

But given the work that you have done, I know it is a little bit off our hearing topic today, I thought I would take advantage of your being here.

Mr. JENKINS. Senator, unfortunately, I am not nationally recognized in the field of prophecy, so I am not able to offer probabilistic statements about the likelihood of terrorists going nuclear. I think there have been some exaggerated statements indicating that it is not a matter of if, but when, or it is going to happen within 5 years in this country. I am not quite sure how to judge those because as I say, I have no basis for making probabilistic statements.

I think it is a frightening real possibility. Whether or not I can make a prediction is not important. I will regard myself as a prudent agnostic and say that it is of sufficient concern that I want to see us taking all of the necessary steps to prevent it from occurring, and that includes those efforts that already have been taken to ensure the security of nuclear weapons worldwide—our own arsenal, the Russian arsenal, and others—and of highly enriched uranium (HEU), both in military programs—leftover HEU from the decommissioning of weapons—and HEU that is available in civilian research reactors.

I think we have to do more to discourage the development of a potential nuclear black market. That means sting operations. No one should have the certainty, whether a potential buyer or a potential seller, that their seller or buyer is not an intelligence agent or a law enforcement official, and I think we can do a lot more in that area.

I think we also have to think about the frightening possibility of, heaven forbid, an event occuring in this country. How would we respond to that nationally? What decisions would we confront? That is the kind of thing we do in games that are conducted in the Pentagon and elsewhere.

A final point is, I do think we have to make a distinction between nuclear terrorism and nuclear terror. Nuclear terrorism is about the frightening possibility that terrorists may acquire and use nuclear weapons. Nuclear terror is about our apprehension of that event. Nuclear terrorism is about intelligence, assessments, capabilities. Nuclear terror is driven by our imagination.

We have to be very careful that we don't allow our terrorist adversaries to take advantage of our understandable anxieties and exploit those to crank up a level of nuclear terror even without possessing on their part any nuclear capability. And at the same time, we have to make sure that we as a society are psychologically prepared for that event. It would be a horrific human tragedy, but it would not be the world-ending event of a full nuclear exchange such as existed during the Cold War. We would survive, but we want to make sure that we survive as a functioning democracy and not commit suicide ourselves in the wake of a terrorist attack.

That is the best I can do in a couple of minutes.

Senator COLLINS. Thank you. Thank you, Mr. Chairman.

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Chairman LIEBERMAN. Well, you have certainly aroused my interest in reading your book. [Laughter.]

Thanks. Senator Bennet.

Senator BENNET. I don't have any other questions, Mr. Chairman. Thank you.

Chairman LIEBERMAN. Thanks, Senator Bennet.

I am just going to ask one more question while I have the four of you here. Senator Collins in her opening statement, and then you, Mr. Jenkins, in your statement, mentioned the problem of rail and transit security. This is something that has unsettled this Committee for some period of time. We have really done very well at improving our commercial aviation security at this point. I know it is different and difficult to deal with rail and transit, but when you see what happened in Mumbai and, of course, Mumbai earlier with the trains, and then London and Madrid, you have got to worry about it.

I know we are doing some things now. We have more dogs on. We have more personnel, more police on various rail and transit. I think the number is something like more than 14 million people ride mass transit every day in America. And the conventional answer is, well, you can't do what we do with planes because people wouldn't use the subways and the trains anymore if you forced them to go through security.

I just wonder whether any of you have any, both from the public think tank, private sector point of view, any ideas, because this is going to continue to be a focus of this Committee. What more can we do to improve security on non-aviation transportation in the United States?

Mr. JENKINS. One of the answers is controversial. You are correct: We can't go to the aviation model of 100 percent passenger screening. That is probably not realistic. We can go—and Amtrak has done so, Washington Metro has done so, New York has done so, and a couple of other places have done so—to selective screening.

Chairman LIEBERMAN. Right.

Mr. JENKINS. Now, that doesn't mean screening on the basis of racial or ethnic profiling. That would be inappropriate, as well as stupid security. But certainly we can do more with selective screening and putting into place the platforms for programs that can be rapidly expanded if threat conditions warrant expanding them.

There are some capital investments that probably we can make to take advantage of some of the technologies both in camera surveillance and in explosive detection. DHS is doing some terrific work on improvised explosive devices, but there the challenge is working out as, our capabilities of improving our detection of explosives improve, the operational and policy issues that come up.

If, for example, we can remotely detect the suspected possession of explosives by one individual in a crowd of people, we have that information, now how do we respond? Do we say, "You are a suicide bomber," and then what? How do we handle that? So there are a lot of operational and policy things that we need to work on.

I am mindful of the most recent Department of Homeland Security report card, in effect. This is the first time the Department looked at the preparedness of surface transportation for response,

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and this was a set of criteria. I forget the exact statistics, but fewer than half of the entities that were surveyed made it to the standards required. Hopefully, that report card will become an incentive for people to do things that don't require major capital investments, but things like tabletop exercises, crisis management plans——

Chairman LIEBERMAN. Right.

Mr. JENKINS [continuing]. And liaison with local police. A lot of things that we saw didn't work in Mumbai, we won't replicate those errors here.

Chairman LIEBERMAN. That is helpful. Do any of the other three of you have anything you want to add about rail and transit? I know it is not particularly in your area. I thank you.

I want to just say this. Senator Collins, do you have another question?

Senator COLLINS. I don't.

Chairman LIEBERMAN. Senator Collins was talking about how people in the United States don't know about Lashkar-e-Taiba. She is absolutely right. We are all focused on al-Qaeda because of September 11, 2001. I do want to say my own impression is, based on my service on this Committee and on the Armed Services Committee, that we have actually done serious damage to al-Qaeda in various ways. But I don't mean they are done, and this is a war in which a few people with no concern about their own life or anybody else's could do terrible damage. But they are, I would really say, in retreat. I mean, that is that they are weakened.

But the threat goes on, and here you have another group showing both a willingness and a capability to really not only kill a lot of people in Mumbai, but engage the attention of the world, which is a great strategic role. So this is going to be a long war, although we are learning as we go on and we are getting better at both preventing and responding, and I think the four of you have really helped us today in a very real way to dispatch our responsibility. We are now going to be working with the Department of Homeland Security to see the ways in which we can together apply the lessons of Mumbai, and I thank you very much for what you have done to help us do that today.

Do you have anything you would like to say?

Senator COLLINS. I don't. Thank you.

Chairman LIEBERMAN. The record of this hearing will be kept open for 15 days in case any of you want to add anything to your testimony or any of the Members of the Committee want to ask you questions for the record.

But I thank you very much, and with that, I will adjourn the hearing.

[Whereupon, at 12 p.m., the Committee was adjourned.]

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APPENDIX

Statement for the Record

of

Charles E. Allen
Under Secretary for Intelligence and Analysis
U.S. Department of Homeland Security

Before the

Committee on Homeland Security and Governmental Affairs
United States Senate

January 8, 2009

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Thank you, Chairman Lieberman, Senator Collins, and Members of the Committee for the invitation to discuss the lessons the Department of Homeland Security (DHS) learned following the recent terrorist attacks in Mumbai, India. I would like to highlight for you our intelligence information sharing efforts regarding these attacks.

The Office of Intelligence and Analysis routinely analyzes and provides information, in conjunction with the Federal Bureau of Investigation (FBI), on overseas terrorist threats and attacks with our state, local, tribal, and private sector partners to assist them in protecting our nation, its vital assets, and citizens. We have analyzed the November 26-30, 2008 Mumbai attacks, where members of a well-armed, and trained terrorist group made a maritime entry into the coastal city and then fanned out to attack multiple locations, including transportation, commercial, and religious facilities. The assailants apparently were familiar with target layouts and security postures, indicating pre-operational planning and surveillance. We continue to analyze the Mumbai attacks as new data become available, and we and the FBI will share this information broadly with our customers to help them protect our nation's citizens and critical infrastructure and to hone our capabilities to respond quickly and decisively to any terrorist attacks on the Homeland. Broadly, the lessons learned thus far can be categorized into prevention and deterrence, and response and recovery.

Prevention and Deterrence

We are reminded that disrupted plots may resurface. Indian authorities apparently arrested a Lashkar-e-Tayyba (LT) operative in February 2008 who carried with him information suggesting Mumbai landmarks, including the Taj Mahal Hotel, had been targeted for surveillance, possibly for a future terrorist operation. Indian authorities shared the information with the hotel owners and the security was bolstered at the Taj Mahal and at several other locations. Some time prior to the attacks, however, security at many of the sites identified in the February 2008 arrests was reduced to more routine levels. It is apparent now that LT's overall intention to attack Mumbai was not disrupted—LT plotters evidently had delayed their attack plans until a time of their choosing. This is a valuable lesson that we have also learned from the multiple plots planned against New York City, including the World Trade Center Towers, before the September 11 attacks brought the towers down. This lesson appeared to have been repeated in Mumbai. An intelligence informed threat warning and a heightened security posture may have delayed the attack in Mumbai, but LT plotters continued to plan for attacks on Mumbai's financial and entertainment center. DHS and the intelligence and law enforcement communities must remain cognizant that targets identified in previous plots are likely to resurface in the future.

A determined and innovative adversary will make great efforts to find security vulnerabilities and exploit them. The Mumbai attackers entered the city via the sea because they may have believed it was the best rout to avoid detection. Sea infiltration permitted the attackers to com ashore with a substantial cache of weapons that might have been detected during a land entry into the city. Terrorists are always seeking to identify weaknesses in our security and exploit them. Vulnerability assessments used to develop security and protective protocols must look closely at our nation's assets from

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the perspective of the terrorist, vigorously seek the weaknesses that they can exploit, and work tirelessly to minimize if not eliminate those weaknesses.

Security must be unpredictable for the adversary, but predictably responsive to those it is meant to protect. The Mumbai attackers were able to ascertain the routines and vulnerabilities of the security forces at the primary targets during the pre-operational phase. For this reason, it is important to vary security routines and establish capabilities to "surge" security forces, such as we have done in DHS, through the Transportation Security Administration, with our Visual Intermodal Prevention and Response (VIPR) teams. In addition, during the period of heightened security, several of the hotels that were attacked installed security scanning devices. According to open source reporting, some of these devices were not in operation during the attacks, and all security personnel were not properly trained on those devices that did work. Effective training of private sector security personnel and first responders is an essential element of securing our nation's critical infrastructure—85 percent of which is privately owned. Training of the private sector on detection, deterrence, response and recovery is essential to protecting our homeland. To that aim, my office shares, on a routine basis, intelligence-derived threat information on potential adversaries and their tactics with state, local, and tribal authorities, and private sector security personnel. This information can be used to develop coordinated public-private response plans and train first responders on how best to respond to various attack methods that may be employed by terrorists so as to better protect personnel and resources.

Target knowledge was paramount to the effectiveness of the attack. The terrorists were able to collect sufficient information on all targets to execute a successful attack. Much of the information they required was accessible through open sources that are readily available in any open society. Hotels, restaurants, and train stations by their nature are susceptible to extensive surveillance activities that might not necessarily draw attention because the public is frequently moving through them. In the Mumbai attacks, during the planning and training stages, the cells reportedly used information from commercial imagery providers as well as pictures and videos from each of the targets acquired by support personnel. Surveillance by terrorist operatives or support personnel represents an opportunity to identify and interdict terrorist operatives. The Department is working, in cooperation with the Office of the Director of National Intelligence (ODNI), the Federal Bureau of Investigation (FBI), and our state, local, tribal, and private sector partners to establish a comprehensive Suspicious Activity Reporting system that is designed to systematically collect and identify possible pre-attack activity.

"Low tech" attacks can achieve terrorist strategic goals—and can be dramatically enhanced by technology enablers. The Mumbai attackers were able to locate precise landing points by using Global Positioning System (GPS) for navigation. The attackers also were able to fend off the Indian response force because they were heavily armed with automatic rifles and grenades—the weapons of a basic infantryman. The group reportedly received extensive training that may have included urban assault operations. In addition, the attackers used wireless communication devices, including satellite and cell phones, to coordinate movement activities, establish defensive positions, repel rescuers, and resist Indian efforts to suppress them. Open source reporting also indicates they monitored press coverage of the attack through wireless communication

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devices—which may have been taken from hostages—that may have provided some tactical advantages against the Indian rescue forces.

Response and Recovery

Response to a similar terrorist attack in a major U.S. urban city would be complicated and difficult. The chaos the attacks created magnified the difficulty of mounting an appropriate response. First responders, in order to deal with such a crisis, must first and foremost have adequate information on what is occuring as well as the capability to mount a rapid and effective response that minimizes the impact of the attack. In Mumbai it was not immediately clear to authorities whether there were multiple attack groups or a single group. The attackers were able to exploit the initial confusion because of the indiscriminate firings to move on to new targets. While preparedness training for this type of attack may not have prevented it, the effects likely could have been mitigated and reduced if authorities had been prepared and had exercised responses to terrorist attacks across all levels of government. Within the United States, our national exercises incorporate not only federal interagency participants, but also include regional, state, and local authorities, in order to identify potential gaps in our responses.

A unified command system is of paramount importance if governments are to respond to terrorist attacks quickly and effectively. Within the United States, we have developed the National Response Framework (NRF) and the National Incident Management System (NIMS) that provide us with a unified command system to respond to such attacks as well as natural disasters. This framework, while not a panacea, does provide guidance on organizational roles and responsibilities during response and recovery operations. The NRF and NIMS also provide mechanisms to convey to the public critical information, such as areas to avoid during an incident or the potential for additional attacks in other areas or regions.

Public-private interactions are crucial and must be developed before an incident occurs. Developing these relationships before an incident helps facilitate the flow of information during the crisis and may help ensure the data conveyed to first responders are accurate, such as changes in floor plans or access routes. Within DHS, the Office of Infrastructure Protection manages many public-private partnerships. Our efforts to build bridges between intelligence analysts and the owners and operators of the private sector that operate most of our critical infrastructures is ongoing and sustained. Furthermore, there are also many programs in operation and under development at the state and local level to expand relationships between owners and operators and first responders.

Threat Information must be quickly and accurately conveyed to the public. Accurate information serves to protect the public, reassuring them that the government is responding appropriately to the threat or attack. Information flow must be timely and managed in a manner that prevents the terrorists from potentially benefiting from what the authorities know about the attackers. Within DHS, we have established procedures and protocols to release accurate threat information quickly. These procedures during an incident include a thorough review to ensure protection of sensitive information. We have exercised this process on numerous occasions.

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Training exercises that integrate lessons learned are critical. Through various national and state programs, DHS and agencies with homeland security responsibilities have exercised and practiced our coordinated response to terrorist attacks. We have taken the lessons learned in the September 11 attacks and the many attacks that have occurred overseas, and incorporated them into our national planning exercises. We have practiced coordinating responses to multiple attacks across federal, state, local, and tribal authorities. We will incorporate Mumbai-style attacks in future exercises to refine further our response capabilities. We have identified shortfalls and gaps, such as interoperable communications systems and intelligence analytic capabilities at the local level, and are using the DHS grants programs to address those shortfalls.

Lastly, ***we must protect the attack sites to collect intelligence and evidence to identify the perpetrators***. In many instances, it may not be readily apparent which group is responsible. While the preservation of life is paramount, preservation of crime scenes is an important consideration to identify the attackers and hold them accountable. This requires training and experience to execute effectively.

Now, let me briefly convey the information sharing actions of my Office of Intelligence and Analysis (I&A)—in conjunction with our partners at the FBI—during and after the Mumbai attacks. You also asked that we discuss DHS' information sharing with India following the attack. I respectfully request that we leave discussions of what has specifically been shared for a closed session to protect information the Indian government deems sensitive. I will note, however, that we have been working very closely with the Indian government to provide any information and assistance that we can.

Information sharing with state, local, tribal, and private sector partners is central to the intelligence mission of I&A. As noted earlier, we share this information to better secure our nation's infrastructure and to protect its citizens, by ensuring state, local, and tribal authorities and private sector owners are aware of the threat environment and tactics that may be employed by would-be terrorists. In addition to distribution of unclassified analyses focused on the homeland security implications of the Mumbai attack, I&A staff also fielded numerous questions from state, local, and tribal authorities and our private sector partners.

— Less than 24 hours after the November 26th attacks, I&A, acting jointly with the FBI, released a situational awareness update with the most current, 'For Official Use Only' (FOUO), information. This product, titled *Islamic Militant Group Attacks Multiple Locations in Mumbai, India* was disseminated broadly to all federal, state, local, tribal, and private sector stakeholders.

— That same day, November 27, I&A analysts consolidated intelligence regarding the attack tactics and began drafting a report for federal, state, local, tribal, and private sector entities describing the attack and its implications for homeland security.

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— Between November 28 and December 2, I&A analysts provided classified and unclassified briefings on the attacks to private sector organizations, including a teleconference with approximately 250 attendees from the Commercial Facilities Sector Coordinating Council (SCC), the Transportation SCC, the Electric Power SCC, the Partnership for Critical Infrastructure Security, the Federal Senior Leadership Council, the Information Sharing and Analysis Centers Council among others and the Homeland Security State and Local Community of Interest (HS-SLIC) State, Local, and Tribal, and Territorial Government Coordinating Council (SLTTGCC).

— On December 3, the FBI and I&A published a FOUO Joint Homeland Security Note, *Mumbai Attackers Used Commando-Style Assault Tactics,* describing our preliminary findings on the terrorist tactics used in Mumbai for federal, state, local, tribal, and private sector partners.

— I&A also released a FOUO background primer for federal, state, and local officials in early December on the LT terrorist organization. This "Homeland Security Reference Aid" discussed the group's history, leadership, membership, targeting preferences, and homeland nexus.

— In the weeks following the attacks, I&A has continued to provide classified and unclassified briefings, particularly to the private sector; tailoring presentations for the Nuclear SCC, the Financial Services Sector's SCC and Information Sharing & Analysis Center, and the Financial and Banking Information Infrastructure Committee.

Homeland security stakeholders have responded positively to our efforts and, according to I&A intelligence officers in fusion centers nationwide, their state and local counterparts have praised DHS for providing timely, relevant information in the attacks' aftermath. A senior security official at a large private company singled out I&A during a recent address, noting that the timely intelligence information provided by DHS was a "breath of fresh air."

I have touched on a broad range of information on the lessons learned and our information sharing activities in support of state, local, tribal, and private sector partners with information regarding the tragic attacks in Mumbai. DHS is making strong efforts to foster information sharing at all levels of government. We remain committed to implementing the information sharing mandates of the Intelligence Reform and Terrorism Act of 2004, the Homeland Security Act of 2002, and the August 2007 9/11 Commission Act. We do this with full concern for the civil rights, civil liberties, and privacy of all Americans.

Thank you and I look forward to your questions.

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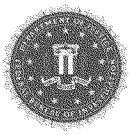

DONALD VAN DUYN
CHIEF INTELLIGENCE OFFICER
FEDERAL BUREAU OF INVESTIGATION
BEFORE THE
SENATE COMMITTEE ON HOMELAND SECURITY
AND GOVERNMENTAL AFFAIRS
JANUARY 8, 2009

Good afternoon Chairman Lieberman, Senator Collins, and members of the Committee. I appreciate the opportunity to be here today to discuss the FBI's role in investigating terrorist attacks overseas, including our response to the recent tragic attacks in Mumbai, India. I will also describe how we are working with our U.S. intelligence and law enforcement community partners to apply lessons learned from the Mumbai attacks to protect the U.S. Homeland.

FBI Role in Overseas Investigations

Increasingly, the FBI is called upon to address criminal and terrorist threats to U.S. interests in countries across the globe. Advances in technology, communications, and transportation have done more to blur international boundaries in the past decade than ever before. As a result, effectively combating transnational crime and terrorism now requires significantly greater cooperation among law enforcement, domestic security, and intelligence agencies on a global scale.

The FBI's effort to strengthen and expand foreign partnerships in the fight against global crime and terror is coordinated by our Office of International Operations (OIO) at FBI Headquarters (FBIHQ), and carried out by our network of FBI Legal Attaché Offices, located in U.S. Embassies around the world. In the event of a threat to, or actual attack against U.S. citizens or interests abroad—and after coordination with the Chief of Mission and host nation—the appropriate FBI operational division deploys investigative personnel and equipment and runs our extraterritorial investigation. The Counterterrorism Division, for example, has the lead for the FBI's investigation of terrorist attacks on U.S. citizens and interests overseas, such as the Mumbai attacks of November 26, 2008, which resulted in the deaths of six American citizens.

The primary role of OIO and the Legal Attachés is to advance the FBI's national security and law enforcement missions by promoting close working relations with our foreign law enforcement and security service counterparts in every region of the world. In large measure, it is these relationships that directly result in foreign government cooperation and facilitation of FBI investigative activities abroad. These relationships pay additional dividends in the form of prompt and continuous exchanges of information, which greatly contribute to our proactive efforts at terrorism prevention.

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In the aftermath of significant incidents abroad affecting American citizens or interests, the FBI, through our local or regional Legal Attaché, will extend an offer of investigative assistance to the senior leadership of the relevant host-country law enforcement or domestic security partner. Such offers of assistance typically result in varying levels of foreign government law enforcement cooperation, consistent with all host-country legal requirements and with full regard to the sovereign interests of the host government.

This basic formula describes the FBI's engagement in virtually all investigations abroad of significant extraterritorial incidents, including the Mumbai terror attacks. In this investigation, the strong relationship of our Legal Attaché in New Delhi with our Indian law enforcement and intelligence partners, as well as the quality of the investigative team led by the FBI's Counterterrorism Division, has resulted in exceptional and continuing cooperation.

FBI Role in Mumbai Investigation

In response to the Mumbai attacks, the FBI obtained approval from the Government of India and the U.S. Embassy in New Delhi to deploy the Los Angeles Rapid Deployment Team (FBI LA) and several critical personnel from FBIHQ to Mumbai. The FBI team arrived in Mumbai on November 29, 2008. The FBI objective was to assist the Indian government with its investigation, determine who was responsible for the deaths of Americans in the attacks, uncover any possible U.S. nexus to the attacks and any other related threats to U.S. citizens or interests abroad, and share intelligence and other lessons learned with rest of the U.S. intelligence and law enforcement communities. The FBI Legal Attaché and Assistant Legal Attaché based in New Delhi also traveled to Mumbai to meet their Indian counterparts, offer any assistance needed, and support the incoming team. On December 17, 2008, several additional FBI personnel were deployed to Mumbai to assist in the local investigation.

In addition, FBIHQ and FBI LA established 24/7 command posts to support the FBI team in Mumbai. These command posts also helped to process information obtained from the investigation and related interviews, as well as process tactical and strategic analysis to define the overall intelligence picture.

In Mumbai, the Indian government gave the FBI unprecedented access to evidence and intelligence related to the attacks from the Mumbai Police and the Indian Intelligence Bureau. The FBI was provided access to most of the attack locations and technical evidence recovered from the scenes. The FBI was able to use advanced forensic and technical exploitation techniques to develop critical leads for both the Indian and U.S. investigations. The FBI also conducted more than 60 interviews of individuals in Mumbai, including witnesses with firsthand accounts of the attacks and security personnel who were involved in responding to the attacks.

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Threats Posed by Suspected Sponsors of Mumbai Attackers

The surviving Mumbai attacker has claimed that the Pakistan-based terrorist organization Lashkar-e-Tayyiba (LT) provided him training and direction for the attack. The FBI assesses that LT, which is well known to the U.S. Intelligence Community (USIC), remains a threat to U.S. interests in South Asia and, to a lesser extent, the U.S. Homeland. We have no current intelligence indicating that there is an organized LT presence in the United States or that LT senior leadership is seeking to attack the U.S. Homeland. LT does maintain facilitation, procurement, fundraising, and recruitment activities worldwide, including in the United States. For example, in the last few years, US courts convicted several followers of the "Virginia Jihad" Network of providing material support to terrorism relating to their training at an LT-sponsored training camp in Pakistan, with the intention of fighting against Coalition Forces in Afghanistan. In addition, the FBI is investigating a limited number of individuals across the United States who are linked in some way to LT—primarily through witting or unwitting fundraising for the group, as well as the recruitment of individuals from the United States to attend LT camps abroad.

Lessons Learned from Mumbai Attacks

The principal lesson from the Mumbai attacks reinforces the notion that a small number of trained and determined attackers with relatively unsophisticated weapons can do a great deal of damage. Other terrorist groups, to include al-Qa'ida and its affiliates, will no doubt take note of the Mumbai attacks and attempt to emulate them. What this means for the FBI is that we must continue to maintain a high level of vigilance for all indications of developing terrorist activity. The planning for the Mumbai attacks probably unfolded over a fairly long period with careful surveillance of the target sites and transportation routes. The FBI must continue to work closely with its state, local, and tribal law enforcement partners, especially in our Joint Terrorism Task Forces to follow up on indications of suspicious activity that could potentially be related to terrorism. Similarly, we must carefully monitor travel to participate in terrorist activities or fighting overseas, such as that recently reported by ethnic Somalis traveling to fight in Somalia. As the experience of the United Kingdom indicates, individuals who receive terrorist training or experience overseas clearly represent a threat. In addition, we need to continue to heighten the public's awareness to the continued threat of terrorist attacks and the need to report suspicious incidents.

As an example of how we have already begun implementing these lessons learned, the FBI worked immediately after the attacks to identify any U.S. links to the planners and attackers. Whenever possible, all information was shared with the Indian government to aid in its investigation. The FBI disseminated more than 15 intelligence reports to the USIC based on information collected in Mumbai from both interviews and physical evidence. These classified reports are available to cleared state, local and tribal law enforcement personnel in Joint Terrorism Task Forces and in State and Local Fusion Centers. In addition, the FBI and the Department of Homeland Security (DHS) jointly issued an unclassified alert about the attacks to state, local, and tribal officials on

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November 27, 2008. The FBI and DHS also issued an Intelligence Bulletin on December 3, 2008, to building owners and operators, as well as the U.S. law enforcement community, to alert them to preliminary findings regarding the techniques and tactics used by terrorists in the Mumbai attacks. The bulletin indicated that the FBI and DHS had no credible or specific information that terrorists were planning similar operations against similar buildings in the United States, but urged local authorities and building owners and operators to be aware of potential attack tactics.

Another lesson learned from the Mumbai attacks is that terrorist groups that appear to be primarily a threat to their surrounding localities can sometimes have broader aspirations. Although LT has historically focused its attacks against Indian forces in the Kashmir region, the Mumbai attacks reinforce the reality that LT has the capability to operate outside its home base. The group did so in 2001 with an attack on the Indian Parliament building in New Delhi and is suspected of having been involved in the 2006 Mumbai train bombings. These actions highlight the need to examine other groups that appear to be active only locally and determine whether they have the operational capability and strategic intention to undertake a more regional or global agenda.

A great deal of work by federal, state, and local governments has contributed to preventing another attack in the U.S. Homeland since 9/11, but the threat, while somewhat lessened as a result of the successes in the global war on terror, remains.

Conclusion

Today, the FBI continues its investigation in Mumbai and has asked to interview other individuals in Indian custody who may be able to provide critical information on attack planning and group leadership. FBI counterterrorism agents and analysts are working to analyze all available information on the Mumbai attacks in order to determine who was responsible, assess lessons learned, determine if the United States may be vulnerable to a similar attack, and determine the threat posed by the group—or individuals tied to the group—to the United States. We are working closely with our USIC and law enforcement counterparts to analyze the vulnerability of the United States to such an attack, and will continue to disseminate information about lessons learned to our partners.

As the Committee is aware, a primary mission of the Department of Justice (DOJ) in support of the U.S. national security strategy is combating international terrorism and other forms of transnational crime (e.g., trafficking in persons, organized crime, public corruption, money laundering, narcotics, cyber crime, and intellectual property violations). To accomplish this mission, we must have effective partners and law enforcement institutions abroad to address international terrorism and illicit activities used to support terrorism. DOJ's international training and development programs make a significant contribution to developing the competence and integrity of local government, thus increasing the capacity of the host nation to provide its population with credible, effective, and sustainable law enforcement, as well as corrections and justice sector institutions that uphold the rule of law.

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DOJ's Criminal Division houses two offices devoted exclusively to providing such assistance. ICITAP (International Criminal Investigative Training Assistance Program) develops police and corrections institutions, while OPDAT (Office of Overseas Prosecutorial Development, Assistance and Training) develops prosecutorial and judicial institutions and legislative reform. Both agencies contain sections targeting counter-terrorism. In addition to addressing country specific needs, ICITAP and OPDAT, supplemented by DOJ's law enforcement components and prosecutors throughout DOJ, develop programs and institutions designed to increase regional cooperation abroad and between the United States and foreign countries in combating transnational crime. Working with their foreign counterparts, or by establishing bilateral and multilateral working groups, the prosecutors and law enforcement agents discuss best practices and ways to work together more closely in the investigation of transnational crime and to establish mechanisms to share information, evidence and intelligence critical to the successful prosecution of transnational crime.

In summary, Mr. Chairman, as the threats to our nation and our allies become ever-more globalized, the FBI is expanding our collaboration with our international and U.S. law enforcement and intelligence partners to prevent terrorist attacks and to assist in investigating them when they do occur. We will continue to build on these relationships to advance the FBI's national security mission. And, as we have done with the Mumbai attacks, we will continue to analyze and share lessons learned from these investigations to help prevent future attacks at home or against U.S. interests abroad.

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Prepared Statement of Raymond W. Kelly,
Police Commissioner, City of New York

Senator Lieberman, Senator Collins, members of the committee. Thank you for inviting me to speak about lessons that the New York City Police Department has drawn from the attacks in Mumbai.

Within hours of the end of the attacks, the NYPD notified the Indian government that we would be sending personnel there. On December 1, we dispatched three senior officers. Their assignment was to gather as much information as possible about the tactics used in the attack. This is in keeping with a practice we have followed for several years. In all cases, our officers do not take part in investigative activity. In Mumbai, our officers toured crime scenes, took photographs, and asked questions of police officials. They relayed what they learned back to New York.

These officers are part of the Police Department's overseas liaison program in which we post experienced personnel to 11 cities around the world. They partner with local police and intelligence agencies and respond when terrorist incidents occur. In this case, the most senior officer in the group had served as a liaison in Amman, Jordan. In July 2006, when seven bombs exploded in Mumbai trains and railway stations, he flew to the city on a similar mission. The relationships he forged during that trip proved helpful in November.

As you know, it is believed that the perpetrators of both attacks were members of the radical Islamic group Lashkar-e-Taiba, which has been fighting Indian security forces for decades. From the perspective of the New York City Police Department, one of the most important aspects of this attack was the shift in tactics from suicide bombs to a commando-style military assault with small teams of highly trained, heavily armed operatives launching simultaneous, sustained attacks. They fanned out across the city in groups of two and four. They carried AK-56 assault rifles, a Chinese manufactured copy of the Russian AK-47. It holds a 30-round magazine with a firing rate of 600 to 650 rounds per minute. In addition,

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the terrorists each carried a duffel bag loaded with extra ammunition, an average of 300 to 400 rounds contained in as many as 12 magazines, along with half a dozen grenades, and one plastic explosive, or i.e.d.

The attackers displayed a sophisticated level of training, coordination, and stamina. They fired in controlled, disciplined bursts. When our liaisons toured the hotels and railways stations, they saw from bullet holes that shots were fired in groups of three aimed at head level. With less experienced shooters, you'd see bullet holes in the ceiling and floor. This group had extensive practice. And the number of casualties shows it. Ten terrorists managed to kill or injure over 500 people. They were experienced in working together as a unit. For example, they used hand signals to communicate across loud and crowded spaces. And they were sufficiently disciplined to continue their attack over many hours. This had the effect of increasing the public's fear and keeping the incident in the news cycle for a longer period of time. These are a few of the differences from what we've seen before.

Consistent with previous attacks around the world were some of the features of the target city: the country's financial capital, a densely populated, multi-cultural metropolis, and a hub for the media and entertainment industries. Obviously, these are also descriptions of New York City.

The attackers focused on the most crowded public areas and centers of western and Jewish activity. This too is of interest to the Police Department. The two New Yorkers who were killed were prominent members of the Chabad Lubavitch religious movement which is based in Brooklyn.

We are also mindful that the attackers approached Mumbai from the water. That's obviously an issue in a major port city like New York. For that reason, our Harbor officers are trained in and equipped with automatic weapons. They have special authority to board any ships that enter the port. Our divers inspect the hulls of cruise ships and other vessels, as well as the piers they use, for underwater explosive devices. We engage in joint exercises with the National Park Service to protect the Statue of Liberty from any waterborne assault and

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heavily armed Emergency Service officers board the Queen Mary Two at Ambrose Light before it enters New York Harbor to make certain no one tries to take over this iconic ship when it enters city waters. These are a few examples.

As much as we do, the NYPD, even with the Coast Guard's assistance, cannot fully protect the harbor, especially when one considers the vast amounts of uninspected cargo that enters the Port of New York and New Jersey. I have testified before about the urgent need for better port and maritime security. Mumbai was just another reminder.

Our liaisons arrived in Mumbai on December 2, three days after the attacks ended. By December 5, our Intelligence Division had produced an analysis, which we shared with the FBI. That morning we convened a special meeting with the members of NYPD Shield. This is an alliance between the Police Department and about 3,000 private security managers based in the New York area. We had the leader of our team in Mumbai call in and speak directly to the audience. We posted photographs and maps to help them visualize the locations. We also reviewed a list of best practices in hotel security. This is a set of items we routinely share when our counterterrorism officers conduct trainings for hotel security.

Through another partnership, Operation Nexus, NYPD detectives have made thousands of visits to the kind of companies terrorists might seek to exploit—truck rental businesses or hotels, for example. We let them know what to look for and what to do if they observe suspicious behavior. With hotels, we focus on protecting the exterior of a building from vehicle-borne threats. But we also emphasize knowing who's in your building and recognizing that the attack may be initiated from inside the facility. We talk about how to identify hostile surveillance or the stockpiling of materials, controlling points of entry, and having a thorough knowledge of floor plans and a widely distributed emergency action plan.

In Mumbai, the attackers appeared to know their targets better than responding commandos. With this in mind, since the beginning of December, the New York City Police Department has toured several major hotels. Supervisors in our Emergency Service Unit are documenting

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the walkthroughs on video camera, filming entrances and exits, lobbies, unoccupied guest rooms, and banquet halls. We plan to use the videos as training tools.

Through a vast public private partnership—our Lower Manhattan Security Initiative—we also have access to hundreds of private security cameras owned and operated by our private sector partners in Manhattan's financial district. These are monitored in a newly opened coordination center downtown.

In an active shooter incident such as we saw in Mumbai, by far the greatest number of casualties occur in the first minutes of the attack. Part of the reason the members of Lashkar-e-Taiba were able to inflict severe casualties was that, for the most part, the local police did not engage them. Their weapons were not sufficiently powerful and they were not trained for that type of conflict. It took more than 12 hours for Indian commandos to arrive.

By contrast, the Police Department's Emergency Service Unit is trained in the use of heavy weapons and the kind of close quarter battle techniques employed in Mumbai. In addition, we've taken a number of steps to share this training more widely among our officers. On December 15, 16, and 17, our police recruits received basic instruction in three types of heavy weapons. They learned about the weapons' operating systems, how to load and unload, and how to fire them. They were the first class to receive what will now be a routine part of police academy training.

On December 5, we conducted two exercises, one a tactical drill for Emergency Service Unit officers, the other a tabletop exercise for commanders. Both scenarios were based on the attacks in Mumbai.

In the exercise with our command staff, we raised the possibility that we might have to deploy our Emergency Service officers too thinly in the event of multiple simultaneous attacks such as those in Mumbai. We also recognized that if the attacks continued over many hours, we would need to relieve our special units with rested officers. In response to both challenges, we have decided to provide heavy weapons training to experienced officers in our Organized Crime Control Bureau. They will be able to play a supplementary role in an

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emergency. Similarly, we decided to use the instructors in our Firearms and Tactics Unit as another reserve force. Combined, these officers will be prepared to support our Emergency Service Unit in the event of a Mumbai-style attack.

The other issue that we examined in our exercise last month, and that was the subject of a New York Times article yesterday, is the ability of terrorist handlers to direct operations from outside the attack zone using cell phones and other portable communications devices. With this comes a formidable capacity to adjust tactics while attacks are underway.

We also discussed the complications of media coverage that could disclose law enforcement tactics in real time. This phenomenon is not new. In the past, police were able to defeat any advantage it might give hostage takers by cutting off power to the location they were in. However, the proliferation of handheld devices would appear to trump that solution. When lives are at stake, law enforcement needs to find ways to disrupt cell phones and other communications in a pinpointed way against terrorists who are using them.

All of the measures I have discussed are part of a robust counterterrorism program we built from the ground up in 2002, when we realized that it in addition to our focus on crime-fighting, the Police Department needed to build the intelligence collection, analysis, and infrastructure protection capabilities to defend New York City from another terrorist attack.

We established the nation's first municipal counterterrorism bureau, and we restructured our Intelligence Division. We recruited the best that the federal government had to offer to head those two operations. We created a new civilian intelligence program to support our field commanders with timely information and analysis. We tapped the incredible linguistic diversity of the police department. We assigned native speakers of languages such as Arabic, Urdu, and Pashto to counterterrorism duties. We strengthened our patrols of key infrastructure in the city, including bridges, tunnels, and a host of landmarks and other sensitive locations. We forged collaborative relationships with the private sector, with law enforcement organizations up and down the east coast, and with federal agencies, especially the FBI and the Department of Homeland Security.

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In the last seven years, working with the FBI through the Joint Terrorist Task Force, we've stopped multiple plots against New York City. I know that this productive collaboration will continue to thrive. I also want to express my appreciation for the progress that's been made in processing the Police Department's "Foreign Intelligence Surveillance Act" requests at a pace that is in keeping with that of events around the world. This has made an important difference.

The Police Department's strongest and most innovative regional partnership is the one supported by the Department of Homeland Security, our Securing the Cities program. This is an unprecedented initiative to protect New York with advanced radiation detection devices installed at all points of access to the five boroughs, including roads, bridges, tunnels, and waterways. We now train and share information with dozens of neighboring jurisdictions.

Of course, this is the last line of defense we have. Our preference is to stop an attack in the earliest planning stages. But, in an evolving threat environment, we must proceed on many levels simultaneously. The international threat of terrorism is not going away. Terrorists are thinking creatively about new tactics. So must we. And while we have to learn from Mumbai and prepare to defend ourselves against a similar attack, we cannot focus too narrowly on any one preventive method. We need to go back to basics, strengthen our defense on every front, stay sharp, well-trained, well-equipped, and constantly vigilant. And we must continue to work together at every level of government to defeat those would harm us.

I want to thank the committee members for your crucial support in making this possible, and for this opportunity to share lessons learned.

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Brian Michael Jenkins[1]
The RAND Corporation

Terrorists Can Think Strategically
Lessons Learned From the Mumbai Attacks[2]

Before the Committee on Homeland Security and Governmental Affairs
United States Senate

January 28, 2009

Mr. Chairman and Members of the Committee, it is an honor to appear before you today. The Mumbai attack was still ongoing when RAND initiated an analysis to determine what lessons might be learned from it. This analysis, part of RAND's continuing research on terrorism and homeland security, was documented in a report I co-authored along with other RAND analysts. Specifically, I contributed the sections on the terrorists' strategic motives and the execution of the attack.

We relied on both informed official sources and media reporting. My analysis benefited greatly from the detailed descriptions of the attack provided by officers from the New York Police Department, who were on the scene and whose reports were shared with law enforcement and others in the United States.

Copies of our report have been made available to members of the Committee. Additional copies are available here, and the report is also on RAND's website. For convenience, I have appended the key findings to my testimony. The following observations derive from this report and other relevant research.

Terrorism has increasingly become an effective strategic weapon. Earlier generations of terrorists seldom thought beyond the barrels of their guns. In contrast, the masterminds of the Mumbai terrorist attacks displayed sophisticated strategic thinking in their choice of targets and their efforts to achieve multiple objectives. They were able to capture and hold international attention. They sought to exacerbate communal tensions in India and provoke a crisis between India and Pakistan, thereby persuading Pakistan to redeploy troops to its frontier with India, which in turn would take pressure off of the Taliban, al Qaeda, and other groups operating along the

[1] The opinions and conclusions expressed in this testimony are the author's alone and should not be interpreted as representing those of RAND or any of the sponsors of its research. This product is part of the RAND Corporation testimony series. RAND testimonies record testimony presented by RAND associates to federal, state, or local legislative committees; government-appointed commissions and panels; and private review and oversight bodies. The RAND Corporation is a nonprofit research organization providing objective analysis and effective solutions that address the challenges facing the public and private sectors around the world. RAND's publications do not necessarily reflect the opinions of its research clients and sponsors.
[2] This testimony is available for free download at http://www.rand.org/pubs/testimonies/CT316/.

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Afghan frontier. All terrorist attacks are recruiting posters. The Mumbai attackers established their terrorist credentials and now rival al Qaeda in reputation.

Al Qaeda is not the only galaxy in the jihadist universe—new contenders that have signed on to al Qaeda's ideology of global terror. Even as we have degraded al Qaeda's operational capabilities, the idea of a violent global jihad has spread from North Africa to South Asia. The Mumbai attack foreshadows a continuing terrorist campaign in India. More broadly, it suggests that the global struggle against the jihadists is far from over.

Terrorists can innovate tactically to obviate existing security measures and confuse authorities. Authorities are obliged to prevent the recurrence of the most recent attack, while knowing that other terrorists will analyze the security in place, devise new tactics, and do the unexpected. The Mumbai attackers did not plant bombs in crowded train coaches, as in the 2006 Mumbai terrorist attack. Instead, gunmen attacked the train station. They did not detonate car bombs as in the 1993 Mumbai attacks or the more recent terrorist attacks on hotels in Indonesia, Egypt, Jordan and Pakistan. They seized control of hotels where they started fires. Multiple attacks at different locations prevented authorities from developing an overall assessment of the situation.

Once again, terrorists have demonstrated that with simple tactics and low-tech weapons, they can produce vastly disproportionate results. The Mumbai attack was sequential, highly mobile, and a departure from the now common suicide bombings, but the tactics were simple—armed assaults, carjackings, drive-by shootings, building takeovers, barricade and hostage situations. The attack was carried out by ten men armed with easily obtained assault weapons, semi-automatic pistols, hand grenades, and simple improvised explosive devices—little more than the arsenal of an infantryman in the 1940s—along with 21st century cell phones, BlackBerries, and GPS locators.

Terrorists will continue to focus on soft targets that offer high body counts and that have iconic value. Nationally and internationally recognized venues that offer ease of access, certainty of tactical success, and the opportunity to kill in quantity will guide target selection. Public spaces are inherently difficult to protect. Major investments in target hardening make sense for government only when these provide a net security benefit, that is, when they do not merely displace the risk to another equally lucrative and accessible target.

Terrorists view public surface transportation as a killing field. One of the two-man terrorist teams went to Mumbai's main train station and opened fire on commuters. While the attacks on

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the other targets were theoretically aimed at killing foreigners, the attack at the train station was aimed solely at slaughter. It accounted for more than a third of the total deaths.

This underscores a trend that should be a priority issue in the United States. Public surface transportation offers terrorists easily accessible, dense populations in confined environments—ideal killing zones for gunmen or improvised explosive devices, which remain the most common form of attack. According to analysis by the Mineta Transportation Institute's National Transportation Security Center, two-thirds of all terrorist attacks on surface transportation were intended to kill; 37 percent resulted in fatalities (compared with between 20 and 25 percent of terrorist attacks overall); 75 percent of the fatal attacks involved multiple fatalities; and 28 percent of those involved 10 or more fatalities.

Terrorist attacks on flagship hotels are increasing in number, in total casualties, and in casualties per incident. This trend places increasing demands on hotel security. However, while terrorist attacks are spectacular, they are statistically rare in comparison to ordinary violent crime. In the past forty years, fewer than five hundred hotel guests in the entire world have been killed by terrorists, out of a total global hotel guest population at any time of nearly ten million.

Pakistan's principal defense against external pressure is not its nuclear arsenal, but its own political fragility—its government's less-than-full cooperation is preferable to the country's collapse and descent into chaos. Pakistan continues to play a prominent and problematic role in the overlapping armed conflicts and terrorist campaigns in India, Afghanistan, and Pakistan itself. Al Qaeda, the Taliban, Lashkar-e-Taiba and other insurgent and terrorist groups find sanctuary in Pakistan's turbulent tribal areas. Historically, some of them have drawn on support from the Pakistan government itself. While the Government of Pakistan has been helpful in capturing some key terrorist operatives, Pakistan is accused of protecting others. And it has been understandably reluctant to use military force against its own citizens in the remote tribal areas where these groups reside. When it has used military force, government forces have not fared well. Public sentiment imposes further constraints. Many Pakistanis regard India and the United States, not al Qaeda or the Taliban, as greater threats to Pakistan's national security. This was perceived as an obstacle to U.S. counterterrorist efforts even before 9/11.

The success of the Mumbai attackers in paralyzing a large city and commanding the attention of the world's news media for nearly three days will encourage similar operations in the future. Terrorists will continue to effectively embed themselves among civilians, taking hostages and using them as human shields to impede responders and maximize collateral casualties. We should expect to see more of this tactic.

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Could a Mumbai-style attack happen in the United States? It could. The difference lies in planning and scale. Assembling and training a ten-man team of suicidal attackers seems far beyond the capabilities of the conspirators identified in any of the local terrorist plots discovered in this country since 9/11. We have no evidence of that level of dedication or planning skills.

However, we have seen lone gunmen and pairs of shooters, motivated by mental illness or political cause, run amok, determined to kill in quantity. The Long Island Railroad, Empire State Building, LAX, Virginia Tech, and Columbine cases come to mind. In 1955, four Puerto Rican separatists opened fire in a then unguarded Capitol Building, wounding five members of Congress. Firearms are readily available in the United States. And some of the perpetrators of the attacks mentioned above planned for their attacks for months, while building their arsenals. Therefore, an attack on the ground, carried out by a small number of self-radicalized, home-grown terrorists armed with readily available weapons, perhaps causing scores of casualties, while still far beyond what we have seen in the terrorist plots uncovered thus far, is not inconceivable.

Could a team of terrorists, recruited and trained abroad as the Mumbai attackers were, be inserted into the United States, perhaps on a U.S.-registered fishing vessel or pleasure boat, to carry out a Mumbai-style attack? Although our intelligence has greatly improved, the answer again must be a qualified yes. It could conceivably happen here, although I would expect our police response to be much swifter and more effective than we saw in Mumbai.

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Key Judgments

India will continue to face a serious jihadi terrorist threat from Pakistan-based terrorist groups for the foreseeable future. However, India lacks military options that have strategic-level effects without a significant risk of a military response by Pakistan. Neither Indian nor U.S. policy is likely to be able to reduce that threat significantly in the short to medium term. Most likely, the threat will continue to grow. Other extremists in India inevitably will find inspiration and instruction from the Mumbai attack.

Safe havens continue to be key enablers for terrorist groups. Safe havens allow terrorist leaders to recruit, select, and train their operators and make it easier for terrorists to plan and execute complex operations, such as the Mumbai attack. Therefore, at the strategic level, the Mumbai attack underscores the imperative of addressing the transnational sources of Islamist terrorism in India. How to do this is an extraordinarily difficult question that will require the reassessment of basic assumptions concerning policy toward Pakistan by members of the international community.

The focus on Pakistan in this case should not obscure the likelihood that the attackers had local assistance or that other recent terrorist attacks in India appear to have been carried wholly or partially by Indian nationals. Local radicalization is a major goal of the terrorists and will remain a major political and social challenge for India.

The masterminds of the Mumbai terrorist attack displayed sophisticated strategic thinking in their choice of targets and tactics. The attack appears to have been designed to achieve an array of political objectives. This indicates a level of strategic thought—a strategic culture—that makes this terrorist foe particularly dangerous.

Given that the terrorists seek to maximize the psychological impact of the attacks, we can expect that future attacks will aim at both large-scale casualties and symbolic targets. The jihadists have stated, and the Mumbai attack demonstrates, the determination of the terrorists to seek high body counts, go after iconic targets, and cause economic damage.

The terrorists will continue to demonstrate tactical adaptability, which will make it difficult to plan security measures around past threats or a few threat scenarios. Terrorists innovate. They designed the Mumbai attack to do what authorities were not expecting. There were no truck bombs or people attempting to smuggle bombs onto trains, as in previous attacks.

Since attacks against high-profile soft targets are relatively easy and cheap to mount, such institutions will remain targets of future attacks. The protection of those targets presents particularly difficult challenges. Many of India's older symbolic buildings were not built with security considerations in mind or are in exposed locations.

Iconic institutions that are likely to be potential targets of terrorist attack must work with local police and intelligence agencies to receive timely alerts about possible threats. They must work with local municipalities and police to curtail open vehicular access to their premises and

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must consider putting in place screening barriers at some distance from their physical premises where this is possible. They must also develop preplanned response strategies, in coordination with local law enforcement, to the wide variety of possible threats that can be reasonably envisaged.

One of the most important lessons of this attack is the continuing importance of an earlier operational form: the firearms assault. While the counterterrorism world has been focused almost exclusively on explosives, this attack demonstrates that firearms assault, while not as deadly as mass-casualty bombings, can be an effective tactic in creating prolonged chaos in an urban setting.

Intelligence failure, inadequate counterterrorist training and equipment of local police, delays in the response of NSG commandos, flawed hostage-rescue plans, and poor strategic communications and information management all contributed to a less-than-optimal response. These gaps suggest the need for improved counterterrorist coordination between national-level and local security agencies and for strengthened counterterrorist capabilities on the part of first responders. Unless India can improve the quality and functioning of its entire internal security apparatus, it will remain acutely vulnerable to further terrorist penetration and attacks.

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Congressional Testimony

LESSONS FROM MUMBAI

Prepared Testimony by

Ashley J. Tellis
Senior Associate
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to the

Committee on Homeland Security and Governmental Affairs
United States Senate
January 28, 2009

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Good morning, Mr. Chairman, Senator Collins, and Members of the Committee. Thank you for your invitation to testify on the recent terrorist attacks in Bombay (Mumbai) and their consequences for the United States. As requested by the Chairman and Ranking Member in their letter of invitation, I will focus my remarks on assessing the regional and global threat posed by Lashkar-e-Taiba (LeT), the implications of that threat for the U.S. homeland, and the status of U.S.–India cooperation on counterterrorism and homeland security. I respectfully request that my statement be entered into the record.

Of all the terrorist groups present in South Asia—and there are many—LeT represents a threat to regional and global security second only to al-Qaeda. Although LeT is linked in popular perceptions mainly to the terrorism in Jammu and Kashmir, the operations and ideology of this group transcend the violence directed at the Indian state. Being an Ahl-e Hadith adherent of Sunni Wahabism, LeT seeks to establish a universal Islamic Caliphate with a special emphasis on realizing that dream through the gradual recovery of all lands that were once under Muslim rule. The strategic objective of inaugurating a universal Caliphate has made LeT a strong ideological ally of Al-Qaeda, while the emphasis on recovering "lost Muslim lands" in Asia and Europe has taken LeT to diverse places such as Palestine, Spain, Chechnya, Kosovo and Eritrea.

That LeT is a constituent member of Osama bin Ladin's International Islamic Front should not be surprising given that one of its three founders, Abdullah Azzam of the International Islamic University in Islamabad, was closely associated with Hamas and has been widely described as one of bin Ladin's religious mentors. Together with Hafiz Saeed, the LeT's current *amir*, and Zafar Iqbal of the Engineering University, Lahore, Azzam formed LeT in 1987 as the armed wing of the Markaz Dawat-ul Irshad (MDI), the Center for Proselytization and Preaching, which sought to actualize the universal Islamic state through *tableegh* (preaching) and *jihad* (armed struggle).

In the fervid atmosphere of the 1980s, when numerous extremist groups were springing up in Pakistan under the patronage of the country's principal intelligence agency, the Inter-Services Intelligence (ISI), LeT's militant attitude to political change, and its commitment to exploiting modern science and technology in support of its ideological ends, quickly made it an ISI favorite because its uncompromising commitment to *jihad* could be manipulated to advance Pakistan's own strategic goals. As Saeed noted in a January 1998 interview in a Pakistani news magazine, *Herald*, "Many Muslim organizations are preaching and working on the missionary level inside and outside Pakistan...but they have given up the path of *jihad* altogether. The need for *jihad* has always existed and the present conditions demand it more than ever."

Given Pakistan's desire to control Afghanistan—an objective that dominated Islamabad's strategic policies during the 1980s and 1990s—this categorical commitment to religious renewal through participation in armed struggle resulted in LeT becoming one of the key beneficiaries of ISI support. For over two decades now—and continuing to this day—the ISI has maintained strong institutional, albeit subterranean, links with LeT and has supported its operations through generous financing and combat training; at many points in the past, ISI support also included providing LeT with sophisticated weapons and explosives, specialized communications gear, and various kinds of operational assistance as it conducted its missions in Afghanistan and against India. Since the inauguration of the global war on terror, ISI assistance to LeT has become more recessed but it has by no means ended, even though the organization was formally banned by Pakistan's President Pervez Musharraf on January 12, 2002.

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LeT's desire to engage in both preaching and *jihad* simultaneously found manifestation in different ways from the moment of its founding. The group's sprawling 200 acre headquarters at Muridke outside of Lahore, believed to have been constructed with an initial gift from Osama bin Laden's Afghan operations and sustained since through contributions by ISI, Saudi charities, Islamic NGOs, and Pakistani expatriates in Europe and the Middle East, quickly became the nerve center from whence its vast charitable and militant activities were directed. LeT's earliest armed operations began immediately in the Afghan provinces of Konar and Pakhtia, where the organization set up a series of terrorist training camps that over time were incorporated into the Al-Qaeda network in Afghanistan. These militant activities, which were initially intended as part of the ISI-managed war against the Soviet occupation of Afghanistan, became quickly subordinated to either ISI-supervised efforts at bringing Kabul under Pakistani influence or Al-Qaeda's murderous terrorism missions against the West.

The LeT's initial focus on Afghanistan is significant because it refutes the common misapprehension—assiduously fostered since the early 1990s—that the group has always been a part of the indigenous Kashmiri insurgency. Nothing could be further from the truth. The LeT is composed primarily of Pakistani Punjabis and has been so from its inception. In fact, its Punjabi composition, along with its inflexible ideology, is precisely what made it so attractive to the ISI to begin with, because it could be controlled and directed far more effectively by its Punjabi-dominated sponsor, the Pakistan Army, than any local Kashmiri resistance group. Because of LeT's founding ties to Al-Qaeda, however, its Punjabi core has over the years been episodically supplemented by Libyans, Central Asians, and Sudanese—although these non-Pakistani elements have generally been marginal to the group's numerical strength.

It was only when the indigenous Kashmiri resistance began to flag in 1993 that the ISI directed LeT, among other Pakistani terrorist groups, to shift its principal focus of operations from the Afghan theater to Jammu and Kashmir. ISI objectives in engineering this shift were threefold: First, it enabled the Pakistani military to replace what it saw as feckless local fighters pursuing the autonomous goal of independence with militants who were battle-hardened in Afghanistan, beholden to the Pakistani state, and dedicated to the more appropriate objective of incorporating Kashmir into Pakistan. Second, it permitted the moderate Kashmiris to be replaced by genuinely committed Wahabi fighters who were capable of inflicting (and intended to unleash) an unprecedented level of brutality in their military operations because they shared no affinities whatsoever with the local population. Third, and finally, it permitted Pakistan to pursue an agenda larger than Kashmir: by employing ideologically charged Islamist foot soldiers from outside the disputed state—a cohort that hailing from the Pakistani Punjab carried with it all of Islamabad's pent up animosities towards India—the local struggle over Kashmir's status could be expanded into a larger war aimed at destroying India itself.

Hafiz Saeed wholeheartedly endorsed the objective of destroying India writ large. Asserting in a 1999 interview that "jihad is not about Kashmir only," he went on to declare that "about fifteen years ago, people might have found it ridiculous if someone told them about the disintegration of the USSR. Today," he continued, "I announce the break-up of India, *Inshaallah*. We will not rest until the whole [of] India is dissolved into Pakistan." In a later 2001 statement, he reaffirmed the proposition that "our struggle will continue even if Kashmir is liberated. We still have to take revenge for East Pakistan." In accordance with his declaration that Kashmir was merely a "gateway to capture India," Saeed then directed his LeT cadres to focus their attention on capturing the Muslim-dominated areas outside of Jammu and Kashmir, such as Hyderabad,

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Junagadh, Munabao and West Bengal, which he argued were forcibly occupied by India in 1947. In the pursuit of these objectives, LeT received strong financial, material, and operational support from the ISI—including from ISI field stations in Nepal, Sri Lanka, and Bangladesh—because of the growing conviction within the Pakistani military that the war against India could never be won if the hostilities were to be confined only to Jammu and Kashmir.

Judging from LeT's operational record, Saeed has been as good as his word. Of all the terrorist groups operating in the Himalayan state, none has been as brutal and vicious in its armed operations as LeT, particularly as witnessed in its encounters with the Indian military. Moreover, since 2005, LeT's operations have expanded far beyond Jammu and Kashmir into the rest of India. The LeT has been implicated in terrorist attacks in New Delhi in October 2005; in Bangalore in December 2005; in Varanasi in March 2006; in Nagpur in June 2006; and in the July 2007 train bombings in Bombay—all before its most recent multiple atrocities in Bombay in November 2008.

While India has occupied the lion's share of LeT attention in recent years, the organization has not by any means restricted itself to keeping only India in its sights. Like many other radical Islamist groups, the LeT leadership has on numerous occasions singled out the Jewish community and the United States as being among the natural enemies of Islam. Speaking frankly to a journalist, Saeed warned, for example, that although his outfit was consumed at the moment by the conflict with India, "Let's see when the time comes. Our struggle with the Jews is always there." This enmity with the Jewish people is supposedly eternal and ordained by God himself. When Saeed was asked in the aftermath of the tragic 2005 earthquake in Pakistan whether then-President Musharraf's solicitation of aid from Israel was appropriate, he had no hesitation in declaring forthrightly that "We should not solicit help from Israel. It is the question of Muslim honor and self-respect. The Jews can never be our friends. This is stated by Allah." This twisted worldview found grotesque expression during the November 2008 LeT atrocities in Bombay when the group deliberately targeted the Jewish Chabad center at Nariman House. Justifying this attack as reprisal for Israeli security cooperation with India, the Jewish hostages at Nariman House were not simply murdered but humiliated and brutally tortured before finally being killed during the three day siege.

Since Israel and India are viewed as part of the detestable "Zionist-Hindu-Crusader" axis that includes the United States, it is not surprising that LeT has long engaged in a variety of subversive activities aimed at attacking American interests. Although the ideological denunciation of the United States as an immoral, decadent, and implacable enemy of Islam was part of the group's worldview from its founding, its war against the United States took a decidedly deadly turn after the Clinton administration launched missile attacks against several al-Qaeda camps in Afghanistan in August 1998. Although these attacks did not kill Osama bin Laden, their intended target, they did kill many LeT operatives and trainers who were bivouacked in these facilities. Shortly thereafter, the LeT formally declared a *jihad* against the United States and began a variety of operations globally aimed at targeting U.S. interests. Asserting unequivocally that LeT intends to "plant the flag of Islam in Washington, Tel Aviv and New Delhi," the group intensified its collaboration with al-Qaeda, supporting bin Laden's efforts as a junior partner wherever necessary, while operating independently wherever possible. Within Southern Asia today, and especially in Pakistan's tribal belt, along its northwestern frontier, and in Afghanistan, LeT cooperates with al-Qaeda and other militant groups, such as the Taliban, in the areas of recruiting, training, tactical planning, financing, and operations. The senior al-Qaeda operative,

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Abu Zubaydah, for example, was captured in a LeT safe house in Faisalabad, Pakistan, indicating the close ties existing between both terrorist organizations.

LeT's universal ambitions, however, do not permit confining itself only to South Asia. After declaring that it would provide free training to any Muslim desirous of joining the global *jihad*—a promise that LeT has since made good on—the group's operatives have been identified as engaging in:

- liaison and networking with numerous terrorist groups all over the world but especially in Central and Southeast Asia and the Middle East;
- facilitation of terrorist acts, including in, but not restricted to, Chechnya and Iraq;
- fundraising far and wide, including in the Middle East, Europe, Australia, and the United States;
- procurement of weapons, explosives, and communications equipment for terrorist operations from both the international arms markets and Pakistani state organizations such as the ISI;
- recruitment of volunteers for suicidal missions in South Asia as well as the Middle East;
- creation of sleeper cells for executing or supporting future terrorist acts in Europe, Australia, and likely the United States; and
- actual armed combat at least in India, Afghanistan, Pakistan, and Iraq.

All told, Indian intelligence today estimates that LeT maintains some kind of terrorist presence in twenty-one countries worldwide with the intention of either supporting or participating in what Saeed has called the perpetual "jihad against the infidels." Viewed in this perspective, LeT's murder of the six American citizens during the November 2008 attacks in Bombay—a bloodbath that claimed the lives of close to 200 people, including 26 foreigners of 15 nationalities—is actually part of a larger war with the West and with liberal democracies more generally, and only the latest in a long line of hostile activities—most of which have remained *sub rosa*—affecting U.S. citizens, soldiers or interests.

Unlike many of the other indigenous terrorist groups in South Asia whose command and control structures are casual and often disorganized, LeT's organizational structure is hierarchic and precise, reflecting its purposefulness. Modeled on a military system, LeT is led by a core leadership centered on the *amir*, Hafiz Mohammed Saeed, and his deputies, who oversee different aspects of its functional and charitable operations. These activities are implemented through various branch offices throughout Pakistan, which are responsible for recruitment and fundraising as well as for the delivery of social services such as education, healthcare, emergency services, and religious instruction. LeT's military arm is led by a "supreme commander" and a "deputy supreme commander" who report to Saeed directly. Under them are several "divisional commanders" and their deputies. Within the South Asian region, the divisional commanders oversee specific geographic "theaters" of operation, which are then subdivided in certain defined districts. These are controlled by "district commanders," each of whom is ultimately responsible for various battalions and their subordinate formations.

The entire command edifice thus reflects a model of "detailed control," with orders being executed at the lowest level only after they are authorized by a chain of authority reaching to the top. This hierarchic command and control structure, although susceptible to decapitation in

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principle, was nonetheless institutionalized because LeT owed its origins primarily to the charismatic leadership of three individuals—of which Hafiz Saeed quickly become the *primus inter pares*. A hierarchic structure was also particularly appropriate, given the covert activities carried out by its military wing both autonomously and for the ISI—with the latter in particular insisting on a combination of high effectiveness, unremitting brutality, durable control, and plausible deniability, as the price for continued support. Because LeT was from the very beginning a preferred ward of the ISI, enjoying all the protection offered by the Pakistani state, the vulnerability that traditionally afflicts all hierarchic terrorist groups was believed to be minimal in this case.

This judgment, it appears, turns out to be correct because even when Pakistan, under considerable U.S. pressure, formally banned LeT as a terrorist organization in 2002, the LeT leadership remained impregnable and impervious to all international political pressure. Not only did it continue to receive succor from the ISI but its close links with the Pakistani state, which continued in its every incarnation, have raised the understandable question of whether the 2008 terrorist strikes in Bombay were in fact authorized either tacitly or explicitly by someone in the Pakistani secret services, as other attacks on India have been in the past. Although neither India nor the United States has provided specific evidence thus far of ISI or Pakistani military authorization for the Bombay attacks—which, if available, would be fortuitous in any event, given the usual incompleteness of all intelligence information—the question of whether these murderous acts were sanctioned by elements within the Pakistani state is *prima facie* not absurd in light of the ISI's traditionally close relationship with LeT.

The attacks in Bombay also reflect the LeT's classic modus operandi: Since 1999, the group has utilized small but heavily armed and highly motivated two- to four-man squads operating independently or in combination with others on suicidal—but not suicide—missions that are intended to inflict the largest numbers of casualties during attacks on politically significant or strategically symbolic sites. These missions invariably are complex and entail detailed tactical planning; historically, they have taken the form of surprise raids aimed at heavily guarded facilities such as Indian military installations, command headquarters, political institutions, or iconic buildings, all intended to inflict the highest level of pain, underscore the vulnerability of the Indian state, and embarrass the Indian government. (In Afghanistan, in contrast, LeT operations have focused principally on targeting coalition forces, disrupting reconstruction efforts, and supporting other terrorist groups in their efforts to undermine the Karzai regime.) In any event, the LeT personnel involved in the majority of these attacks seek to escape the scene whenever possible—in fact, they come carefully prepared to endure yet exfiltrate—but appear quite willing to sacrifice themselves if necessary, if in the process they can take down a larger number of bystanders, hostages, and security forces.

The targets attacked in Bombay are consistent with this pattern: they included the symbols of Indian success (luxury hotels), reflections of Indian history and state presence (a historic railway station) and emblems of India's international relationships (a restaurant frequented by tourists and a Jewish community center). The targeted killing of the Jewish residents at Nariman House, and possibly the murder of the Western tourists at the Leopold Café (if indeed they were deliberately targeted), would also be consistent with LeT's past record, which has included the focused slaughter of non-Muslims such as Hindus and Sikhs. Although the use of small arms to include pistols, automatic rifles, grenades, plastic explosives, and occasionally mortars have been the norm in most past LeT attacks, the group has also undertaken true suicide missions, including

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car bombings, on occasion. In LeT's operations in Afghanistan, where recruitment for suicide bombings appears to be a specialty, the use of larger crew-served weapons, mines, mortars, rocket-propelled grenades, and even primitive air defense systems have been observed.

These characteristics of LeT, which have been on display since the group first came into existence in the late 1980s, have made it the object of focused attention within the U.S. intelligence community. Its worldwide operations, whether they be merely facilitation or fundraising or more lethal activities such as planning, coordinating and executing armed attacks either independently or in collusion with others, have marked LeT out as a genuine threat to regional and global security. If the outfit had previously escaped the popular attention it received after the atrocities in Bombay in 2008, it was only because its earlier attacks did not extend to Western civilians and because its preferred combat tactics made it a lesser challenge to American interests in comparison to al-Qaeda. This, however, should not be reason for consolation: if left unchecked and untargeted, LeT could well evolve into a truly formidable threat, given its resourcefulness, its operational span, its evolving capabilities, and its relatively robust sanctuary within Pakistan.

A net assessment of LeT as a threat to regional and global security and to the American homeland would, therefore, justify the following conclusions.

First, LeT remains a terrorist organization of genuinely global reach. Although the nature of its presence and activities vary considerably by location, it has demonstrated the ability to grow roots and sustain operations in countries far removed from Southern Asia, which remains its primary theater of activity. Equally important, it exhibits all the ideological animus, financial and material capabilities, and perverse motivation and ruthlessness required to attack those it believes are its natural enemies simply because they may be Jewish, Christian, or Hindu, and living in secular, liberal democratic, states. Furthermore, like al-Qaeda, LeT has demonstrated a remarkable ability to forge coalitions with like-minded terrorist groups. These alliances are most clearly on display within Southern Asia: in India, for example, LeT has developed ties with Islamic extremists across the country including in states distant from Pakistan such as Karnataka, Andhra Pradesh, and Tamil Nadu; in Pakistan, LeT cooperates actively with the Pakistani and Afghan Taliban and coordinates operations with Al-Qaeda and the Haqqani network against Afghanistan; in Central Asia, LeT has cooperated with both the Islamic Movement of Uzkekistan and local Islamist rebels in the Caucasus; and, in Europe, LeT was actively involved in supporting the Muslim resistance in Bosnia while raising funds and building sleeper cells in countries such as Spain and Germany.

When viewed from the perspective of the United States, it is safe to say that LeT has long undermined U.S. interests in the global war on terror. It threatens U.S. soldiers and civilians in Afghanistan and has now killed U.S. citizens in Bombay. Thus far, however, it has not mounted any direct attacks on the American homeland, but that is not for want of motivation: given the juicier and far more vulnerable U.S. targets in Southern Asia, LeT has simply found it more convenient to attack these (and U.S. allies) *in situ* rather than overextend itself in reaching out to the continental United States. The effectiveness of U.S. law enforcement after September 11, 2001, and the deterrent power of U.S. military capabilities have had much to do with reinforcing this calculus. Consequently, LeT operations in the United States thus far have focused mainly on recruitment, fundraising and procurement rather than on lethal operations. Yet, with the deliberate killing of American citizens in Bombay, a new line has been crossed. If Washington

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fails to respond to this provocation, the door could be opened to a repetition of more such incidents in the future. The inability or unwillingness to punish LeT for these transgressions, as the United States and Israel have done against other terrorist groups, could also embolden this outfit to attack American citizens and American interests with greater impunity the next time around.

Second, India has unfortunately become the "sponge" that protects us all. India's very proximity to Pakistan, which has developed into the epicenter of global terrorism during the last thirty years, has resulted in New Delhi absorbing most of the blows unleashed by those terrorist groups that treat it as a common enemy along with Israel, the United States, and the West more generally. To the chagrin of its citizens, India has also turned out to be a terribly soft state neither able to prevent many of the terrorist acts that have confronted it over the years nor capable of retaliating effectively against either its terrorist adversaries or their state sponsors in Pakistan. The existence of unresolved problems, such as the dispute over Jammu and Kashmir, has also provided both Pakistani institutions and their terrorist clients with the excuses necessary to bleed India to "death by a thousand cuts." But these unsettled disputes remain only excuses: not that they should not be addressed by New Delhi seriously and with alacrity, there is no assurance that a satisfactory resolution of these problems will conclusively eliminate the threat of terrorism facing India and the West more generally.

This is because the most vicious entities now engaged in attacks on India, like LeT, have objectives that go way beyond Kashmir itself. Rather, they seek to destroy what is perhaps the most successful example of a thriving democracy in the non-Western world, one that has prospered despite the presence of crushing poverty, incredible diversity, and a relatively short history of self-rule. India's existence as a secular and liberal democratic state that protects political rights and personal freedoms—despite all its failures and imperfections—thus remains a threat to groups such as LeT, with their narrow, blighted, and destructive worldviews, as well as to praetorian, anti-democratic, institutions such as the Pakistan Army and the ISI. India, accordingly, becomes an attractive target, while its mistakes, inadequacies, and missteps only exacerbate the opportunities for violence directed at its citizenry.

Yet it would be a gross error to treat the terrorism facing India—including the terrible recent atrocities—as simply a problem for New Delhi alone. In a very real sense, the outrage in Bombay was fundamentally a species of global terrorism not merely because the assailants happened to believe in an obscurantist brand of Islam but, more importantly, because killing Indians turned out to be simply interchangeable with killing citizens of some fifteen different nationalities for no apparent reason whatsoever. If the United States fails to recognize that the struggle against terrorism ought to be indivisible because Indian security is as important to New Delhi as American security is to Washington, future Indian governments could choose to respond to the problems posed by Pakistani groups such as LeT in ways that may undermine regional security and make the U.S. effort to transform Pakistan more difficult than it already is. Avoiding these sub-optimal outcomes requires the Obama administration to treat Indian concerns about terrorism more seriously than the United States has done thus far.

Third, the most vicious terrorist groups in Southern Asia, such as al-Qaeda, LeT, the Pakistani Tehrik-e-Taliban, Jaish-e-Mohammad (JeM), and the Harkat-ul-Mujahideen (HuM), are driven largely by a radical Islamist agenda rather than by any negotiable grievances, yet remain highly adaptable with respect to the lethal tactics chosen to achieve their goals. This reality makes such

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terrorists formidable adversaries and a successful anti-terrorism policy must be able to cope with both their obdurate aims and their changing techniques. The only reasonable objective for the United States in this context must be the permanent evisceration of these groups—especially al-Qaeda and LeT, which threaten American interests directly—with Pakistani cooperation if possible, but without it if necessary. This is particularly so because the unacceptable nature of their ambitions alone should rule out any consideration of policies centered on conciliation or compromise. It should also make Washington suspicious of any theory of terrorism that justifies its precipitation by so-called "root causes," especially in South Asia—and saying so does not in any way obviate the need for resolving existing intra- and inter-state disputes so long as these are pursued through peaceful means. Where the forms of violence are concerned, the evidence suggests that the uncompromising ideological motivations that often drive terrorism in the Indian subcontinent coexist quite comfortably with the presence of effective instrumental rationality, even if this is only oriented towards sinister purposes. As the attacks in Bombay demonstrated, even ideologically charged terrorist groups such as LeT are capable of meticulous planning and strategic adaptability. Terrorists learn and change their tactics to outwit their state opponents: because Indian intelligence agencies successfully broke up several terrorist modules in recent years—groups that intended to transport explosives and conduct bombings by land—the LeT resorted to an unexpected course of action that involved arrival by sea and the use of trained and motivated attackers with relatively unsophisticated weapons to inflict a great deal of damage.

There is little doubt that other terrorists will learn from Bombay and could attempt to emulate LeT's actions. If LeT itself seeks to attack the U.S. homeland, it could well choose to replicate its experience in Bombay using sleepers, possibly already resident in the country. Whether it does so or not, the important point is that the successes of U.S. intelligence and law enforcement agencies in neutralizing more complex kinds of attacks could well push various ideologically hostile terrorist groups to seek simpler solutions, using capabilities at hand or readily available, to attack U.S. citizens in unanticipated ways abroad or at home. LeT is one such group that certainly possesses the motivation to conduct such attacks on American soil if the opportunities arise and if the cost-benefit calculus shifts in favor of such assaults.

As a recent RAND study I participated in points out,

> The Mumbai attack demonstrates that jihadist organizations based in Pakistan are able to plan and launch ambitious terrorist operations, at least in neighboring countries such as India. Put in the context of previous terrorist attacks in India by Pakistani-based or local jihadist groups, it suggests a continuing, perhaps escalating, terrorist campaign in South Asia. Beyond India, the Mumbai attack reveals a strategic terrorist culture that thoughtfully identified strategic goals and ways to achieve them and that analyzed counterterrorist measures and developed ways to obviate them to produce a 9/11-quality attack. For 60 hours, the terrorists brought a city of 20 million people to a standstill while the world looked on. The attack put into actual practice LeT's previous rhetoric about making the Kashmir dispute part of the international jihad. In so doing, LeT has emerged, not as a subsidiary of al-Qaeda, but as an independent constellation in the global jihad galaxy. Indeed, with al-Qaeda central operational capabilities reduced, the Mumbai attack makes LeT a global contender on its own.
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> —Angel Rabasa et al, *The Lessons of Mumbai* (Santa Monica: The RAND Corporation, 2009, pp. 7-8.)

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Dealing with this emerging LeT threat will require a mixture of unilateral actions and international cooperation. While U.S. law enforcement agencies are certainly seized of the challenges posed by LeT, and will develop responses aimed at preventing attacks whenever possible, responding to dangers whenever necessary, and managing their consequences whenever required, the most pressing political requirement right now is to collaborate with India and Pakistan in bringing the perpetrators of the Bombay bloodbath to justice. After an embarrassingly inept initial response by Islamabad, the Zardari government, acceding to intense U.S. pressure during the last days of the Bush administration, arrested key LeT ringleaders and offered to bring them to trial in Pakistan in lieu of extraditing them to India or the United States. The Obama administration should keep Pakistan's feet to the fire and ensure that Islamabad makes good on its promises. Given the long and bloody record of the individuals apprehended, any trial, whether in Pakistan or elsewhere, should seek capital punishment for the detainees. Neither permanent incarceration nor limited jail terms would prevent them from orchestrating further attacks from inside their prison cells. The experience of previous Pakistani detentions demonstrates that terrorists, even when in custody, can mount very effective cross-border operations with the aid of collaborators still at large.

But Washington should also demand more of Islamabad: Precisely because LeT threatens to become a significant global terrorist threat, the United States should insist that Islamabad roll up and eliminate the entire LeT infrastructure of terrorism that currently exists inside of Pakistan. Such an action not only holds the best promise of arresting the current crisis in Indo-Pakistani relations—one whose final dénouement has yet to occur and whose worst consequences could undermine both regional stability and the counterterrorism operations currently occurring in Pakistan's tribal belt and in Afghanistan—but it also remains the only guarantee of decisively eliminating LeT as a potentially serious threat to the U.S. homeland. Given the ISI's long history of support for LeT, the Pakistani state will require all the assistance it can get if it is to genuinely eradicate the diverse infrastructure of terrorism maintained by LeT's current front organization, the Jamat-ud Dawa (JuD). The United States should not stint in providing Pakistan with this aid, if Islamabad is judged to be serious about confronting LeT and other terrorist groups. That Pakistan should eliminate these threats in its own interest goes without saying. But, in any event, Washington should no longer compromise on this objective. Working with both the civilian government of President Zardari, which despite all its limitations still recognizes the threats posed by Pakistan's terrorist groups and desires to eliminate them, and with the Pakistan Army, which despite its growing recognition of the perils posed by Islamist terrorist groups still seeks to hold on to them as "strategic assets," the Obama administration should, using both carrots and sticks, induce Pakistan to comprehensively eliminate the LeT. If despite American insistence and aid, Islamabad remains unable or unwilling, the U.S. government should utilize the entire range of unilateral instruments available to neutralize this threat. After all, it would be a great pity and possibly even a dereliction of duty if amidst all the consolation and support offered to India in the aftermath of the Bombay attacks, Washington finally failed to perceive—and neutralize—the larger dangers posed by LeT's ambitions towards the United States.

In this context, the expansion of U.S.–Indian counterterrorism cooperation is also urgently needed. Unfortunately, the record thus far suggests that the bilateral partnership has not lived up to its promise in this issue-area. During the last years of the Clinton administration, the dialogue on counterterrorism followed a meaningful course of great utility to both countries. Unfortunately, this progress was not sustained during the Bush years. This is particularly ironic both because the U.S.–Indian relationship was fundamentally transformed during this period and

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because countering terrorism dominated the Bush presidency in an unprecedented way. Yet, counterterrorism cooperation between the United States and India for most of the last eight years has been largely formulaic, superficial, and at best exploratory. Although many practical initiatives were initiated under the aegis of the U.S.–India Counterterrorism Joint Working Group, it would be hard to conclude that this cooperation has actually yielded meaningful dividends for both sides.

The exception to this general rule, however, has been the partnership between U.S. and Indian law enforcement agencies in the aftermath of the Bombay attacks. After the tragic events of November 26 – 29, 2008, the assistance rendered by the FBI and other U.S. agencies to India has simply been phenomenal. Despite the initial hiccups that impeded smooth cooperation, the resources, technology, and professionalism of the U.S. team deployed to Bombay has evoked the gratitude, admiration, and even the envy of their Indian counterparts. Plainly stated, it would simply not have been possible for the government of India to assemble the enormous amount of technical evidence pertaining to the attacks, which has since been shared with the international community, without American assistance. But against the backdrop of the last eight years, the intense cooperation witnessed between the United States and India after Bombay must be counted as the exception, not the rule.

The surprising disjuncture on counterterrorism, despite the overall transformation of the bilateral relationship, can be explained in one word: Pakistan. The disagreement between Washington and New Delhi in regards to Pakistan essentially hampered the prospects for expanded counterterrorism cooperation. This divergence on Pakistan was not rooted primarily in a difference of diagnosis: both sides agreed that Pakistan was the global epicenter of terrorism and had to be reformed. They could not agree, however, on the best strategies for achieving this objective. The United States, thanks to its crushing dependence on Islamabad for sustaining the military operations against al-Qaeda and in Afghanistan, defended a strategy of unconditional engagement with Pakistan. In contrast, India, though strongly supportive of U.S. military operations in Afghanistan, argued for a tougher policy of carrots and sticks as a means of mitigating the continuing threat emanating from Pakistani terrorism.

This divergence of perspectives, far from being academic, had practical consequences. The U.S. reluctance to confront Pakistan forthrightly about its terrorism against India—despite all its sympathies for New Delhi—resulted in most American counterterrorism cooperation being focused on coping with, or defending against, Pakistani threats, whereas successive Indian governments were more interested in exploring what Washington would do to eliminate the terrorism exported out of Pakistan. This fundamental incompatibility of objectives made Indian intelligence, law enforcement, and counterterrorism agencies—not to mention the government of India *writ large*—rather skeptical about the prospects for successful counterterrorism cooperation with the United States. Because U.S. programs in this regard were invariably viewed more as palliatives intended to manage the pain rather than as frontal attacks on the heart of the problem itself, Indian enthusiasm for deep counterterrorism cooperation with Washington was rather tepid. The Bush administration's failure to confront Pakistan about its continued abetting of terrorism against India (and against Afghanistan), despite eight years of significant assistance to Islamabad, then produced an unfortunate double failure: it neither eradicated Pakistan's addiction to terrorism nor institutionalized deepened counterterrorism cooperation with India.

The growing disenchantment in the United States with Pakistan's performance in the war on terror and President Obama's determination to correct the trajectory of the U.S.–Pakistan

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bilateral relationship offers Washington a new opportunity to rectify the shortcomings that traditionally afflicted U.S.–Indian counterterrorism cooperation. The stellar collaboration exhibited by both sides in the aftermath of the Bombay attacks yields only a glimpse of what is actually possible if the two countries can arrive at a common strategic understanding of their problems regarding terrorism. If such a convergence can be promoted through a serious, high-level, dialogue on Pakistan—again, something that never really occurred during the entire duration of the second Bush term—it might be possible to embark on three specific initiatives that could produce high payoffs in terms of helping India (as well as the United States) better cope with the scourge of terrorism.

These initiatives include: comprehensive intelligence sharing about specific terrorist groups (an area where India has much to offer, given its collection capabilities and its proximity to the threats, and where the United States, given its extraordinary technical capacity, can make enormous contributions as well to mutual advantage); training of the law enforcement and intelligence communities, particularly in the realms of forensics, border security, and special weapons and tactics (areas where India would particularly profit, with collateral benefits to the United States); and, improving intelligence fusion and organizational coordination (again, areas where India could learn much from the U.S. experience after September 11, first to its own advantage and thereafter to the United States). Since these activities traverse areas of great sensitivity to any sovereign state, it is unlikely that any meaningful bilateral cooperation will take place unless there is close and steady direction from the very top of the governments in both counties. The task ahead of us in this regard is enormous—and our work has only just begun.

Thank you, Mr. Chairman, and members of the Committee for your attention and your kind consideration.

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STATEMENT OF ALAN ORLOB
VICE PRESIDENT CORPORATE SECURITY AND LOSS PREVENTION
MARRIOTT INTERNATIONAL LODGING

ON BEHALF OF
THE REAL ESTATE ROUNDTABLE
AMERICAN HOTEL AND LODGING ASSOCIATION

BEFORE THE
SENATE COMMITTEE ON HOMELAND SECURITY & GOVERNMENT AFFAIRS

HEARING ON
LESSONS FROM THE MUMBAI TERRORIST ATTACKS, PART II

JANUARY 28, 2009

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Introduction

Thank you, Chairman Lieberman, Senator Collins, and members of the committee for the invitation to address the committee and discuss lessons learned from the Mumbai terrorist attacks.

My name is Alan Orlob. I am Vice President for Corporate Security and Loss Prevention at Marriott International Lodging, the international hotel business line of Marriot International, Inc. In that capacity I oversee all international security operations and crisis management. Before joining the private sector and concurrent with my employment at Marriott, I served with U.S. Army Special Forces. My active and reserve duty spanned a total of 24 years. I've attached additional information about Marriott's security policies as an exhibit A to the written testimony and stand ready to provide more detail on those policies if the committee would find that useful.

With respect to my professional affiliations, I currently serve as a committee chair on the U.S. State Department's Overseas Security Advisory Council (OSAC), and am a member of the Private Security Advisory Group at the Center for Strategic and International Studies (CSIS). In addition, I am a member of the International Security Management Association and the American Society of Industrial Security.

In addition to Marriott, I am testifying today on behalf of the Real Estate Roundtable (www.rer.org) where William Shaw, President of Marriott International, Inc. served recently as the Chair of its Homeland Security Task Force. The Real Estate Roundtable is comprised of senior principals from America's top public and privately owned real estate entities that span every segment of the commercial real estate industry. These leaders of the nation's top public and privately-held real estate ownership, development, lending and management firms join with the leaders of 16 national real estate trade associations to jointly address key national policy issues relating to real estate and the overall economy including homeland security. The Roundtable operates the Real Estate Information Sharing and Analysis Center (www.reisac.org) a two-way information sharing partnership between the real estate industry and homeland security officials.

I am also testifying on behalf of the American Hotel and Lodging Association (www.ahla.org) where my colleague, Chad Callaghan served for many years as the Chair of their Loss Prevention Committee. AH&LA is a 99-year-old dual membership association of state and city partner lodging associations throughout the United States with some 10,000 property members nationwide, representing more than 1.4 million guest rooms. AHLA has ongoing initiatives to educate their industry on security issues including workplace violence, planning for emergencies, crisis communications. In addition they have developed a strong partnership with DHS on a variety of issues including terrorism awareness training for our industry

Visiting Mumbai; Assessing the Risks

On November 26, the world watched in horror as ten gunmen entered the city of Mumbai, India and laid siege. Four of the shooters entered the Taj Mahal Hotel, another two attacked the Trident and Oberoi Hotels.

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I traveled to Mumbai three weeks after this horrific event with my regional director to study what had happened. We went to the Taj hotel, expecting to stay less than an hour. Instead, we spent almost three hours, inspecting the scene of the carnage briefly and then spending considerable time answering questions from the Taj Group Executive Director of Hotel Operations as to how they could secure their hotel in the future. As reported widely throughout the media, he was frustrated with the intelligence provided by the government and the police response.

While we were in Mumbai, we heard reports that the Home Minister had made a speech, asserting that before the attacks our hotel, the JW Marriott Hotel in Mumbai, had been cased as a possible target. In fact, on September 26, I received an email message from our general manager, advising me that the Indian intelligence services had visited him with information of a possible threat. When I heard this news, I dispatched my regional security director to Mumbai to make our own risk assessment, to ensure that all of our security procedures were being followed and to advise the hotel as to how they could add even greater security. We had been watching the changing security situation in India and in response we had directed our hotels in the country to implement procedures for "threat condition red" – our highest security level- over a year ago.

The tactics used against the hotels in Mumbai were not new. A similar attack had been staged at the Serena Hotel in Kabul, Afghanistan a year earlier. In September, we had been attacked by a large truck bomb in Islamabad. The Hyatt, Radisson and Days Inn Hotels were attacked by suicide bombers in Amman, Jordan in 2005. A Hilton hotel in Taba, Egypt and the Ghazala Gardens Hotel in Sharm El Sheikh were attacked in separate incidents. The JW Marriott Hotel in Jakarta was struck by a Vehicle Borne I.E. D. in 2003.

Hotels present attractive targets especially as traditional government targets such as U.S. State Department facilities undergo hardening that in some cases turns them into fortress like structures. In many cities, hotels and other commercial facilities are icons of commerce and tourism. Our guests include celebrities and diplomats. As the U.S. Government hardened their buildings overseas, terrorists have shifted to softer targets.

Sixteen years ago, as Marriott International Lodging expanded its footprint, we developed a crisis management program. We wrote a crisis manual and designated a crisis team. We conduct training, including table top exercises. We subscribe to a number of commercial security services that provide intelligence. We have analysts based in Washington and Hong Kong to give us a twenty four hour capability of assessing risk. Based on these assessments, we developed specific procedures for hotels to follow. Using a color coded "threat condition" approach; we direct hotels to implement those procedures. Under threat condition blue, our lowest level of enhanced security, we have almost forty procedures. Threat condition Yellow adds additional security layers. At Threat Condition Red, our highest level of security, we screen vehicles as they approach the hotel, inspect luggage and ensure everyone goes through a metal detector.

Our risk assessments are critical to the allocation of resources. We have to be accountable. Our guests – who ultimately pay for this – as well as our shareholders want us to be smart with this money. Limited resources must be applied first to those measures that have the greatest potential for limiting loss of human life and property damage.

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In response to our risk assessments, we have added additional physical security measures in certain properties located in high risk areas, including window film, bollards and barriers. X-ray machines are also present in many of our hotels in high risk areas and, where appropriate we employ explosive vapor detectors and bomb sniffing dogs. We have developed further training programs for security officers in properties located in high risk environments. In the wake of the Mumbai attacks, we recently developed an active shooter program, combining physical security with operational security and awareness programs.

Lessons Learned from Marriott International Lodging and the Broader Industry's Experience

In August of 2003, the JW Marriott Hotel in Jakarta was attacked. A suicide bomber drove a vehicle laden with explosives to the hotel, intending to deliver a bomb into the lobby. Our hotel was operating at Threat Condition Red. We had three security officers inspecting vehicles at the entrance to the driveway. They stopped this vehicle bearing explosives and the driver detonated his charge. The security officers all died along with nine other people – mostly security and taxi drivers who were close by. One guest died. If we did not have our security measures in place, the bomber would have been able to drive into the hotel lobby, killing scores if not hundreds.

Last September, we were attacked again. On September 20, at 8:00 o'clock in the evening, a suicide bomber drove a large dump truck to the Islamabad Marriott. As he made a left turn into the driveway, he accelerated and attempted to drive through the barriers. The hotel was using a combination of a hydraulic barrier coming up from the pavement and a drop down barrier to stop vehicles before they were inspected. These barriers contained the vehicle and it was not able to move further. When the bomber detonated his charge, fifty six people died. Thirty of them were our hotel staff members. There were almost 1500 people in the hotel at the time. It was Ramadan and they were dining, breaking their fast. Again, our security measures saved hundreds of lives. Dr. Rohan Gunaratna, a noted terrorism researcher in Singapore, wrote an article shortly afterwards calling the Islamabad Marriott, "the world's most protected hotel". We had 196 security officers, 60 of them on duty at the time, as well as sixty two CCTV cameras looking both inside and outside the hotel and bomb sniffing dogs. It was the type of security that you would never expect to see at a hotel. Terrorist tactics continue to evolve. Our security must evolve as well.

Last July, a group of corporate security directors representing eight major hotel companies convened for the first time in Washington. We understand that an attack against any hotel in a major city will have a deleterious effect on the city, as well as a wider effect on the entire hotel industry. Our objective was to create a networking capability, share best practices, impart intelligence and ascertain how new technology can be used for physical security. We invited vendors to demonstrate technology related to explosive detectors and window film. We revealed what programs we had in place. In November, we met again and looked at technology centered on physical barriers as well as training opportunities with DHS and ATF. OSAC sponsored both of these meetings and provided their analysis of world events. Dr. Gunaratna was invited to share his thoughts on the threat we face.

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Lessons Learned from the Mumbai Attacks

At Marriott International Lodging, we studied the tactics that were employed before and during the hotel attacks in Mumbai. There were several lessons learned that are applicable to high-risk facilities:

(1) It was widely reported that the terrorists had been in the hotel for several months, at times posing as guests. Taking photographs and learning the layout of the hotel. *Awareness training should be conducted for employees to understand what may be suspicious and should be reported. We recently developed discipline specific posters to be placed in non-public areas of hotels, outlining suspicious activities to increase awareness. The housekeeper cleaning a room who finds diagrams of the hotel should report it. Where feasible, a covert surveillance detection team should be employed that is specifically trained to identify individuals conducting hostile surveillance.*

(2) It was also widely reported that when the police responded, they were not familiar with the building layout and plans provided to them were outdated and did not indicate where recent renovations had taken place. *Hotel management should develop a relationship with local authorities and conduct joint training exercises. Current Building plans with detailed photographs and video, where available, should be provided to authorities.*

(3) The Taj Hotel management reported that they had lowered the hotel's security measures due to information provided by intelligence agents. *Hotels should consider the feasibility of obtaining independent intelligence analysis capabilities. Security professionals should interpret intelligence and determine mitigation measures. Hotel managers in most cases are not trained in intelligence analysis and do not understand counter measures necessary to deter or mitigate an attack.*

(4) The hotel lacked physical security measures which would have made it more difficult for the attackers. This included multiple entrances, lack of a sprinkler system and open stairways. *Hotel design should consider security features early in the architectural planning stage.*

I am happy to provide more detail on any of these suggestions if that is helpful to the committee and look forward to your questions. Again, thank you for inviting me to testify.

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EXHIBIT A

Over the past several years, safety and security have become increasingly important to our customers and now ranks as a top criterion in selection of a hotel by business travelers. Marriott International has taken a leadership role in guest safety and security and has the following measures in place at all lodging facilities managed by the company:

- Electronic door locks
- Secondary 1" dead-bolt locks
- Night latches
- Viewports in all guestroom doors
- No guestroom numbers on guestroom keys
- Newer hotels are designed with interior corridor access only
- Most properties have access control on all guest exterior access doors
- Smoke detectors in all guestrooms
- Fire sprinkler systems throughout entire hotel
- Ongoing staff training on security-related issues
- Traveler Safety Tips available in guestrooms
- Emergency Plans
- Shelter-In-Place Plans

In addition, Marriott International plays a prominent role with the U.S. Department of Homeland Security Commercial Facilities Coordinating Council, The U.S. Department of State Overseas Security Advisory Council, and the American Hotel & Lodging Association Loss Prevention Committee, assisting with training programs, security guidelines and security marketing.

Marriott International has long been recognized as being a leader in the hotel industry in safety and security matters, and recently received ANSI Z-10 World-Class Safety Designation. In several media exposés on hotel security, Marriott has been used as the example for other hotels to follow.

Because of the position it has taken on security, Marriott International records losses that are consistently below the industry average.

Marriott's Security Guidelines and Emergency Plans

Safety & Security Position

- One of Marriott International's top priorities is the safety of associates and guests worldwide.
- We have developed security procedures at all of our hotels around the world.
- The Marriott security guidelines for NALO hotels parallel the color coded threat conditions of the U.S. Department of Homeland Security threat conditions (Green, Blue, Yellow, Orange and Red). International hotels use a combination of intelligence services, including Department of State Overseas Security Advisors Council, to determine appropriate threat levels.

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- As the threat level increases, each hotel is required, at a minimum, to take certain additional steps in an effort to protect the safety of associates and guests.
- Hotels may take additional steps above the minimum steps at their discretion.
- Due to the nature of terrorist threats, Marriott International's security procedures are proprietary and confidential.
- At the same, Marriott recognizes the need for meeting planners, groups, and certain other third parties to gain comfort with Marriott's security procedures.

Emergency Plans

- All of Marriott-managed hotels around the world are required to have updated emergency plans.
- Hotel emergency plans must, at a minimum, address the following items:
  - ✓ Fire protection systems and procedures
  - ✓ Natural disasters
  - ✓ Procedures for handling immediate evacuation of the hotel
  - ✓ Emergency reporting procedures
  - ✓ Power failures
  - ✓ Terrorism
- Again, due to the need to protect the safety of associates and guests, these plans are proprietary and confidential.
- At the same time, Marriott recognizes the need for meeting planners, groups, and certain other third parties to gain comfort with a hotel's emergency plans.
- Accordingly, the general manager of the hotel in question (or his or her designee) is available to address specific questions and concerns of guests.

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STATEMENT OF MICHAEL L. NORTON
MANAGING DIRECTOR, GLOBAL PROPERTY MANAGEMENT
TISHMAN SPEYER

ON BEHALF OF
THE REAL ESTATE ROUNDTABLE
REAL ESTATE BOARD OF NEW YORK AND
BUILDING OWNERS AND MANAGERS ASSOCIATION, INTERNATIONAL

BEFORE THE
SENATE COMMITTEE ON HOMELAND SECURITY & GOVERNMENT AFFAIRS

HEARING ON
LESSONS FROM THE MUMBAI TERRORIST ATTACKS, PART II

JANUARY 28, 2009

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Introduction

Thank you, Chairman Lieberman, Senator Collins, and members of the committee for the invitation to address the committee and discuss lessons learned from the Mumbai terrorist attacks. My name is Michael Norton. I am responsible for managing and directing all global property management activities at Tishman Speyer. Tishman Speyer (www.tishmanspeyer.com) is one of the leading owners, developers, operators, and fund managers of first-class real estate in the world.

Since 1978, Tishman Speyer has acquired, developed and operated over 320 projects totaling over 115 million square feet and more than 92,000 residential units, and a property portfolio of over US$72 billion in total value across the United States, Europe, Latin America and Asia, including signature properties such as New York's Rockefeller Center, the Chrysler Center and the Met Life Building in New York, Berlin's Sony Center and Torre Norte in São Paolo, Brazil. Today, our in-house property management specialists are responsible for more than 200 buildings reflecting 84 million square feet of Class A office, residential and mixed-use properties in 34 markets around the world. In 2005 Tishman Speyer became the first U.S. Real Estate Company to sign a joint venture agreement to develop in India. Today we are pursuing projects in multiple cities including, Mumbai, New Delhi, Bangalore, Hyderabad, Tellpur, and Chennai.

I am testifying today on behalf of The Real Estate Roundtable[1] (www.rer.org) where our company's Co-Chief Executive Officer, Robert Speyer, is chair of the Homeland Security Task Force. I am also testifying on behalf of the Real Estate Board of New York[2] (www.rebny.org) and the Building Owners Managers Association (BOMA) International[3] (www.boma.org) two organizations where I personally sit on senior governing boards and councils. In addition to my work with these organizations, I am a Lieutenant Colonel in the U.S. Marine Corps Reserves.

Key Lessons Learned

Looking forward, for the owners and operators of high profile commercial buildings, there are at least five priority areas for continued concern in light of the Mumbai attacks.

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[1] The Real Estate Roundtable is comprised of senior principals from America's top public and privately owned real estate entities that span every segment of the commercial real estate industry. These leaders of the nation's top public and privately-held real estate ownership, development, lending and management firms join with the leaders of 16 national real estate trade associations to jointly address key national policy issues relating to real estate and the overall economy including homeland security The Roundtable provides day-to-day operational staffing of the Real Estate Information Sharing and Analysis Center (www.reisac.org).

[2] As the oldest and most influential real estate trade association in New York City, The Real Estate Board of New York represents over 12,000 major commercial and residential property owners and builders, brokers and managers, banks, financial service companies, utilities, attorneys, architects, contractors and other individuals and institutions professionally interested in the city's real estate.

[3] Founded in 1907, the Building Owners and Managers Association (BOMA) International is an international federation of more than 100 local associations and affiliated organizations. BOMA International's members are building owners, managers, developers, leasing professionals, medical office building managers, corporate facility managers, asset managers, and the providers of the products and services needed to operate commercial properties. Collectively, BOMA's 18,000 members own or manage more than nine billion square feet of office space, which represents a $100 billion marketplace and more than 80 percent of the prime office space in North America.

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- The need for ever-improved communications capabilities – both in-house and with local law enforcement and emergency response agencies.
- The still not fully tapped potential of employees at commercial buildings to help law enforcement/homeland security officials detect threats and assess vulnerabilities
- More fully addressing our interdependence and co-location with mass transit and other major soft-targets
- Acknowledging and improving our role as the *first*, first responders in the period between the initiation of an attack and the arrival of law enforcement; and
- Acknowledging our dependence on well-informed and well–equipped law enforcement and homeland security/emergency response officials for effective deterrence *and* response.

Shortly I will suggest some specific ideas for making progress in each of these areas. But first let me talk a little more about the changing threat environment, particular vulnerabilities of iconic buildings, and some of the steps our company and others in our industry have taken since 9-11 to better manage those threats and vulnerabilities.

A Diverse and Changing Threat Environment – Measuring up to Market Standards

As others have also testified to here today, in recent years, most high-profile terrorist attacks on "soft targets" have involved *improvised explosive devices (IEDs)* including vehicle borne IEDs (VBIEDs). The terrorists have often been willing to lose their lives in the resulting explosions.

In Mumbai, we saw a radically different mode of attack and one that harkened back to the commando style hostage taking incidents of the 1970s and 1980s. Well trained and heavily armed 'walking teams' caused an extraordinary – and deeply tragic – loss of life and destruction of property before law enforcement and military personnel were able to neutralize them.
As a company we are continuing to build business and personal bonds with the citizens of India and I want to take this opportunity to express my sincere condolences to those who lost loved ones during this horrific incident.

We own and manage some of the highest profile office buildings in the world, including Rockefeller Center, the MetLife Building and the Chrysler Center in New York City. Rockefeller Center, for example, is the number one tourist destination in New York City with all the pedestrian traffic that comes with that status. The Chrysler Center is a worldwide icon that, together with the Empire State Building, defines the New York skyline. All these buildings — and many others in our portfolio — sit atop mass transit and, in the case of the MetLife Building, Grand Central Station itself.

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Many of our tenants are Fortune 500 companies or other high-visibility institutions with strong commitments to managing terrorism-related risks. We are also deeply influenced by the expectations or demands of these companies as well as those of our lenders, investors, insurers, legal advisors and local, state and federal government partners. They are certainly demanding a high and consistent standard of security for their employees, guests and customers. In the case of lenders and insurance companies they have a substantial interest in the continued security of our buildings. It is to these market based standards that we are held.

The Respective Roles of the Private and Public Sectors

Many of the initiatives implemented by our company and other major real estate companies are relevant to managing the risk of a Mumbai-style terrorist attack. More significant, however, are the initiatives taken by local law enforcement to try and prevent or disrupt these kinds of attacks. Certainly a group of terrorists with AK 47s pursuing a water-landing at a major U.S. city would have found themselves in a distinctly more challenging law-enforcement environment.

Police in most of our major metropolitan areas are trained to deal with multiple active shooters and have the means of getting into position quickly. Terrorists would not enjoy the luxury of moving about as freely as they did in Mumbai. That does not mean that soft targets would not have faced grave risks. In all likelihood, roving bands of heavily armed terrorists in a U.S. city would have been engaged more quickly by well armed police and would have sought to obtain cover and concealment. Of course the softest of commercial facilities including restaurants and retail facilities might have made for attractive places to seek cover.

Given the primary role of local law enforcement in deterring terrorists from commencing a commando-style attack, the core mission for building owners in the event of such an attack should be to limit loss of life and property for as long as it takes law enforcement to control the situation. To that end, security and building staffs will be acting as 'first, first responders.' It is important to remember, however, that unlike traditional first responders from the police force, our personnel are unarmed. In our view this critical interim role requires more attention.

While our personnel have limited ability to impact a military style attack once it has commenced, we do have the ability to assist the government in helping them detect the prospect of such an attack in the first place. Building personnel can and should be trained to identify suspicious behavior – especially behavior consistent with surveillance or casing of our facilities.

Improved Security Measures Taken Since 9-11

When we look at some of the post 9/11 office building initiatives that are now set in place, we see many that will assist us in meeting our goal of protecting the lives of our tenants. These initiatives or practices can be organized into six basic categories: communications, training programs, emergency response, target 'hardening' techniques, information sharing, and coordination initiatives. While all of these play a significant role in managing the risk of a Mumbai type of attack, I would like to focus principally on communications, training and target hardening.

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Communication

The single greatest lesson learned from 9/11 was the need for robust *local* communication channels with emergency response officials. We have made significant progress in achieving this goal in many of the larger cities where we own property. New York City has, in my opinion, become the "gold standard" in this regard. Its Area Police-Private Leadership Security Liaison (APPL) has evolved into what is now known as the NYPD Shield program. The program incorporates the best of APPL's communication capabilities and now includes regular private sector briefings by the police on national and international events with implications for security in New York. As an example, the NYPD gave a briefing on the Mumbai incident to security directors just a week after the attacks that included a live commentary from an NYPD captain that was still on-site in India. Any and all lessons learned by NYPD were quickly and generously being shared by our partners in the police force. To varying degrees, this kind of public-private communication is happening in Washington DC, Chicago, and LA. More can and should be done to improve the programs in those cities and to bring a similar spirit of partnership to other major U.S. cities.

We have also improved our communication channels with our tenants. The "Send Word Now" (SWN) program is one means of sending messages on multiple communication modes simultaneously. In the event of a terrorist attack within a property or a city, this can effectively and quickly apprise tenants of what is going on. Among the broader industry, communications have been strengthened via our industry's Information Sharing and Analysis Center (ISAC) which provide a two-information sharing portal with DHS and coordinates industry wide exercises in tandem with the federal governments Top Officials or Top Off exercises. Over the last four years, hundreds of industry security officials have leveraged those government terrorism simulation exercises to test and improve their own emergency preparedness and response plans.

In a spirit of mutual respect, the DHS has provided scores of industry security experts with the same kind of Secret level security clearances offered to senior state and local government security personnel. This has been done as part of the ever-evolving matrix of critical infrastructure and key resource coordinating councils supported by DHS. These councils, together with the cross-sector coordinating council know as the PCIS, have great potential (only partially realized) to ensure greater cross-industry and cross sector-communication. My top security executive has participated in some of the classified briefings offered to members of the commercial sector coordinating council. These briefings, while a major step in the right direction, have room for improvement. As DHS comes to better understand our industry they will be able to offer more 'actionable' intelligence and to focus these briefings on more regional concerns.

Training

Since 9/11 the security industry has improved the training of its employees in key areas such as surveillance techniques, observation skills, and building layout designs. For example, Service Employees International Union (the largest security union in the U.S.) has developed a 40 hour course for their officers in NYC. Almost every terrorist attack requires a great deal of planning and preparation including site visits to determine how the target is protected both during business hours and after business hours. If trained in how this surveillance is likely to occur, our security

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personnel will be in a better position to act as the eyes and ears of the police and to detect this kind of suspicious behavior.

In all of our properties, we have developed an Emergency Procedure Guide Book which offers building management personnel critical information including floor plans of the building. This serves as a quick and valuable resource to police and fire personnel if they are ever needed.

Because terrorists can select a wide range of weapons, including interior and exterior use of bio/chemical agents, we have begun to develop training to address sheltering-in-place needs. Unfortunately, it is often the case (and clearly the events in Mumbai point this up) that it is often difficult to determine whether "sheltering in place" or evacuation is the better course of action.

Training is not just given to security officers but to the staff of our buildings. Here in Washington D.C., we recently conducted a two hour tabletop exercise for all property managers, chief engineers, and security personnel. While the subject of that exercise was violence in the workplace, it involved an active shooter bent on killing as many as he could.

In the last few years, we have participated with members of the real estate industry and the United Kingdom's National Counter Terrorism Security Office (NaCTSO) in a tabletop exercise involving a multi-media terrorist attack simulation that allowed participants to make decisions about what should be done. The target in the exercise was specifically a high rise office building near a rail transportation facility. Property managers, building engineers, and security personnel all participated. Through the leadership of another real estate company, Beacon Capital Partners, this course was given in six US cities in late 2007.

As a company, we have provided top notch fire safety training for our tenants. As an industry, we need to take this level of commitment and apply it to training that is appropriate to the most significant terrorism related risks. Tishman Speyer asks its tenants to consider storing Red Cross type "ready bags" in their space. These bags contain tools and water to help sustain a person for a period of time. We have received excellent feedback from our tenants with respect to our guidance in this area.

Local law enforcement also needs to train in a way that is geared toward specific types of buildings or even specific iconic structures. As Police Commissioner Raymond Kelly said in testimony before this same committee earlier this month, "In Mumbai, the attackers appeared to know their targets better than responding commandos." At the very least, local police should be aware of the layout of all high profile buildings and who owns or manages them. DHS has conducted threat assessments of many iconic properties, and in some but not all cities local police do as well. I believe this is an extremely important pre-attack planning need. Just as terrorists conduct pre-raid surveillance acts and intelligence gathering operations, we need to do the same.

Target Hardening – Before and During an Attack

After 9/11, building owners have hardened many commercial office properties in ways that could assist, in limited ways, in defending against a Mumbai type of attack. But we must be realistic and recognize that our security officers are all unarmed and most building lobbies are accessible

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to the public. Well armed walking terrorists would have no trouble gaining access. This is why, the key to preventing a Mumbai attack in major cities will be our reliance on the quick actions of our local police and regional law enforcement. However, as I previously mentioned, until the police arrive, our security and property staffs will be our first responders. To that end, they will need to afford some protection and information to our tenants and visitors. We need to quickly evaluate and implement appropriate building measures to best ensure tenant and visitor safety. This will undoubtedly involve preventing attackers from getting easy access to the tower portion of the property. As in a fire, elevators should quickly be recalled, lobby fire doors locked from the outside, loading dock gates in place, quick release buttons implemented and notification to the tenants to advise of an evolving situation.

The role of CCTV should be mentioned here. At a recent NYPD Shield meeting with security directors, information was provided on "CCTV Best Practices." Over 14 points were made on how to get the best out of a CCTV system and what would constitute suspicious behavior. This brief lesson definitely has a place in helping to limit the impacts of a future Mumbai type attack.

Each of our properties has developed three different security alert levels of protection. These mirror the Department of Homeland Security's model. If given enough warning, these security levels are aimed at implementing measures at a property to increase its protection. But, to be effective, we need 'actionable' intelligence in a timely manner. Garages and loading docks can be closed off, HVAC systems can be shut down, and patrols of outer perimeters increased. Our building staffs are trained to do this quickly.

Hardening measures are shared through the exchange of best practices both in the United States and sometimes with our counterparts overseas. In May, 2007, I chaired a meeting organized by The Real Estate Roundtable (RER) in London where we were joined by our UK colleagues. At the meeting we learned a great deal about protecting an office environment in a City that seems, like New York, to be continuously braced for a possible attack. This meeting came soon after the London metro bombings. One UK program that has gained the support of the private sector is called Project Griffin. Under this program the City of London Police and the Metropolitan Police train private sector's security officers in a wide range of procedures to combat urban terrorism, offer them weekly intelligence briefings and "deputize" them during periods of high threat alerts to perform certain limited functions. For example, building security personnel may help the police secure areas that are cordoned off in a crisis. This kind of help allows police officers to be assigned to other higher priority duties. Our employees in London were enthusiastic about this program because it offers them an opportunity to be true partners with the local police in a way that results in a well-earned sense of pride and dignity.

Recommendations To Advance the Lessons Learned:

At the beginning of my testimony, I mentioned five key areas where we need to continue to make progress. Taking these points one by one let me offer some quick suggestions.

Communications/Information Sharing: Our goal in the commercial real estate high rise office industry is to best protect the lives of our tenants and visitors until our local law enforcement can appropriately deal with the situation. To that end, effective information sharing partnerships with local officials will be critical. Programs such as NYPD Shield or Project Griffin from Great

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Britain need to become the norm in major urban areas. Federal and state policies should encourage the launch of such programs on an expedited basis.

Terrorism Awareness Training and Exercises: Local law enforcement and emergency response officials should also be encouraged by state and federal policies to train and exercise jointly with the private sector. Just as we need to learn more about likely emergency response actions in an emergency, government officials need to better understand our facilities and our personnel's capabilities and limitations in a crisis.

Interdependence with Mass Transit: One specific area that I recommend be further advanced is joint training regarding the inter-dependencies (including co-location) of iconic buildings and mass transit facilities. Specifically, we need to develop effective tabletop exercises between local police, fire, medical, public health and our building staffs using scenarios (based in part on Mumbai type attacks) that affect the government and private sector facilities. For example, the Met Life building (formerly the Pan Am building) sits on top of Grand Central Station. If an attack on either our building or the train station were to occur our personnel as well as those of the NYPD our local Metropolitan Transit Authority would all need to work together effectively. We would be happy to offer use of our buildings (and similar iconic buildings) as the site for such exercise in the future and would encourage other building owners to undertake similar joint exercises with mass transit officials.

First, First Responders: I have mentioned that our building staff and security officers will be the first responders if a terrorist targets our office environment. Improving training of building staff on building operations, emergency procedures and first aid, and the means to effectively evacuate, shelter-in-place, or close off sections of a property is crucial. In addition, I believe now is the time to consider offering to these brave men and women the special financial and medical coverage that other first responders (e.g., police and fire) can obtain in the event of terrorist events.

The Need for Well Trained and Well Equipped Law Enforcement: While I know you all understand this, it bears repeating that at the end of the day the private sector has a support-role in dealing with Mumbai type attacks. The primary responsibility is with local law enforcement. We have a huge stake as an industry in programs, including federal programs that offer those brave men and women the training, cutting edge intelligence and equipment they need. I believe we can and should do more in that regard.

Thank you. I'm happy to take questions.

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Post-Hearing Questions for the Record
Submitted to J. Alan Orlob
From Senator Susan M. Collins

"Lessons from the Mumbai Terrorist Attacks: Part II"
January 28, 2009

1. A frequent complaint that we hear from the private sector concerns a lack of clarity in terms of who in the federal government is the point of contact for a particular homeland security issue. If one of your facilities were to face a threat similar to the attacks in Mumbai, is there a single point of contact in the federal government to whom you would go to share any information that you may have collected, to get intelligence information on the threat from our law enforcement and intelligence officials, and to receive advice and support as to the steps that should be taken in response to the threat?

   First, I want to say how impressed I am that the Committee is expending considerable time and effort to understand what we are dealing with in the private sector. We very much appreciate this effort.

   In response to the question, this has been a problem within the private sector. After the 911 attacks in the U.S., there was a strong initiative to push for a domestic equivalent to the State Department's Overseas Security Advisory Council. Several private sector members of OSAC and ISMA (International Security Management Association) contacted DHS in this regard. Nothing resulted from these meetings. At one meeting, corporate security directors flew into Washington to meet and discuss this initiative. The DHS representative failed to show. Finally, these same people went to Director Mueller at the F.B.I. and he enthusiastically agreed to sponsor DSAC – a Domestic Security Advisory Council. This program continues successfully. So, if there were an impending threat, I believe that most would reach out to the Bureau in the form of DSAC. I will say, however, that DHS is getting much better. I should personally commend Bill Schweigert from DHS who has met with the commercial sector and has reached out in the form of training and awareness.

2. At the Federal level, DHS has dedicated a great deal of time and resources to developing programs such as the National Infrastructure Protection Program (or NIPP) to build private-public security-focused partnerships. Many of these programs are focused on soft-targets or commercial facilities. The core of these efforts is the development of voluntary partnerships. Nonetheless, private sector entities often complain that they share a great deal of information with the government and receive little, if anything, in return. Do you believe that the government provides your organizations with enough information of sufficient quality to make it worth your while to continue to participate in various information sharing programs?

   Brian Jenkins made a comment in his remarks that we are still operating with a security clearance system that was formed during the cold war. On several occasions, I have

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heard government entities advise us that they could not share sensitive information with us. An example is the TSA program of identifying individuals who were observed displaying unusual behaviors. I saw this as a very useful program for the hotel industry as well. I was frustrated that TSA was training relatively low level officers in these techniques, but they refused to share this type of training with the private sector.

After the bombing of the JW Marriott Hotel in Jakarta, Indonesia, the C.I.A. reached out to me to give me a briefing of the terrorist group, Jemaah Islamiya. I was impressed that they would do so. However, during the briefing, the information that I was being presented was so vague and obtuse, that I began correcting the briefer. Again, the information that we needed was not being shared. We do not need specifics and names of individuals. We do need to understand terrorist group history, methods, and means. Only in that way, can we ensure that we are employing proper counter measures to deter or mitigate an incident. We are fortunate at Marriott in that we have a large enough budget that we can subscribe to several commercial security services that provide us with an overview of terrorist incidents and methods. However, all of this is open source and smaller organizations would not have this type of information.

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Post-Hearing Questions for the Record
Submitted to Michael L. Norton
From Senator Susan M. Collins

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Question 1. A frequent complaint that we hear from the private sector concerns a lack of clarity in terms of who in the federal government is the point of contact for a particular homeland security issue. If one of your facilities were to face a threat similar to the attacks in Mumbai, is there a single point of contact in the federal government to whom you would go to share any information that you may have collected, to get intelligence information on the threat from our law enforcement and intelligence officials, and to receive advice and support as to the steps that should be taken in response to the threat?

Response: **Neither Tishman Speyer as a company, (nor The Real Estate Roundtable, BOMA or REBNY as organizations) is currently complaining about any lack of single "point of contact." In the various nationally significant real estate markets where Tishman Speyer has property, we look to speak first with our contacts in the local police and the Federal Bureau of Investigation. Those are our day-to-day front line partners. We want them to be as well supported by our partners at DHS as we often are. Where there is a Protective Security Advisor (PSA) representing DHS with whom we have a relationship we would also be in contact with that individual as necessary. The growth of fusion centers give us increasing confidence that in many of these markets communicating with one of these three organizations, ensures all three will be "in the loop." While we realize coordination is not yet always solid, over time, we should be able to assume that touching base with one will mean touching base with all of these groups. As for advice on protective measures, we have significant in-house expertise on that subject but nonetheless consult closely with the local police — especially NYPD — on those matters. We also get beneficial input on that general subject from DHS when they do site assessments of our properties or densely populated areas nearby our properties.**

Question 2. At the Federal level, DHS has dedicated a great deal of time and resources to developing programs such as the National Infrastructure Protection Program (or NIPP) to build private-public security-focused partnerships. Many of these programs are focused on soft-targets or commercial facilities. The core of these efforts is the development of voluntary partnerships. Nonetheless, private sector entities often complain that they share a great deal of information with the government and receive little, if anything, in return. Do you believe that the government provides your organizations with enough information of sufficient quality to make it worth your while to continue to participate in various information sharing programs?

Response: **On the question regarding complaints of a one-way information sharing relationship with DHS, we also don't have that problem. We do share a great deal of information about vulnerabilities informally with trusted local officials with whom we have long-term relationships. But we get a lot back in return. With DHS, we provide information whenever requested (including some site visits) but we also get a good deal of information including intelligence bulletins from HITRAC. We also get some information**

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from the FBI. In terms of information from DHS, where we would like to improve the action-ability of intelligence is not so much on the quantity or even the quality (the intel is what it is). It is most useful when we have an accurate assessment of how important the intelligence community itself believes the information is. Sometimes DHS and local officials have different opinions on that. That is also fine as long that reality is honestly communicated. Putting intelligence related to threats against buildings (or targets adjacent to buildings such as mass transit) in enough context so that we can decide how seriously to take it is an important role for DHS. We will certainly continue to participate in information sharing programs if that kind of transparency becomes a reality.

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