ADDITIONAL VIEWS OF SENATORS CHAMBLISS AND BURR

I.   Background

As is illustrated throughout this report, there were a number of technical or human errors by the CIA, NSA, the State Department, and the National Counterterrorism Center (NCTC) which led to the Intelligence Community's collective failure to identify Abdulmutallab as a terrorist threat to the U.S. In testimony before Congress, DNI Blair stated that "this was not—like in 2001—a failure to collect or share intelligence; rather it was a failure to connect, integrate, and understand the intelligence we had." However, as Members who participated in the Joint Inquiry of the Senate Select Committee on Intelligence and the House Permanent Select Committee on Intelligence into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001 (the Congressional "Joint Inquiry"), we respectfully disagree. Some of the systemic errors this review identified also were cited as failures prior to 9/11.

Following 9/11, several investigations, including the Congressional Joint Inquiry, examined the intelligence failures that led to that atrocious attack, and, overwhelmingly, found that the Intelligence Community was severely inhibited by information stove-pipes, lacked effective technological tools, and in many cases was not aggressive enough to identify terrorist plots. These failures resulted in an Intelligence Community that was not well positioned to identify and disrupt terrorist threats.

As a result of these findings, Congress passed the Intelligence Reform and Terrorism Prevention Act (IRTPA). One of the primary goals of this legislation was to create one place in the Intelligence Community—the NCTC—where all terrorism related information could be integrated and analyzed. The IRTPA defines NCTC's primary missions, including:

> "to serve as the primary organization in the United States Government for analyzing and integrating all intelligence possessed or acquired by the United States Government pertaining to terrorism and counterterrorism…" and

> "to serve as the central and shared knowledge bank on known and suspected terrorists and international terror groups."[1]

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[1] 50 U.S.C. 404o(d).

In addition, the IRTPA directs that the Director of NCTC shall have the role and responsibility to "disseminate terrorism information, including current threat information" and "have primary responsibility within the United States Government for conducting net assessments of terrorist threats."[2]

II.   NCTC Failed to Fulfill Its Mission

IRTPA was to have corrected the problems identified after 9/11 by making NCTC responsible and accountable for all terrorism related intelligence analysis. Instead, the Committee found in this review that no one agency believes its analysts are responsible for tracking and identifying all terrorist threats, essentially the same problem identified six years ago by the 9/11 Commission, which found "the intelligence community's confederated structure left open the question of who really was in charge of the entire U.S. intelligence effort"[3] to combat terrorism.

Despite its statutory mission, NCTC did not believe it was the sole agency in the IC for piecing together all terrorism threats. In fact, in a response to the Committee, NCTC stated, "no one entity within the IC has sole responsibility nor bears the entire burden of either connecting dots or accountability for failing to do so."[4] Further, NCTC stated to staff that it focused primarily on providing strategic, or high level, terrorism assessments, and providing support to senior policymakers. No one at NCTC was given responsibility for tracking all terrorist threats thoroughly or searching for additional intelligence related to a threat. NCTC's daily threat reports, "Threats and Threads," tracked only the most serious threats. All lower priority threats are not examined by any one office at NCTC. Yet, a lower priority threat that succeeds, as the 12/25 plot almost did, would most definitely be seen as a serious attack by al-Qa'ida.

NCTC was created to be the central knowledge bank for all terrorism related information. As such, it is the *only* Intelligence Community agency with access to all intelligence databases as well as law enforcement information. Its unique role and access to information make it best suited to be responsible for integrating all intelligence—and connecting the dots—on any one particular threat, as well as, to provide comprehensive strategic terrorism assessments. However, NCTC failed to

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2 50 U.S.C. 404o(f)(1)(G).

3 National Commission on Terrorist Attacks Upon the United States, The 9/11 Commission Report (W.W. Norton & Co., 2004), p. 93.

4 NCTC Response to SSCI, email from Eugene Barlow to Jacqueline Russell, March 11, 2010.

organize itself in a manner consistent with Congress' intent or in a manner that would clearly identify its roles and responsibilities necessary to complete its mission.

III. Team Efforts Do Not Negate Individual Responsibility

NCTC believes that tracking terrorist threats should be a team effort, and "without a clearly identified 'lane of responsibility'."[5] We disagree. Terrorism analysts throughout the Intelligence Community often perform overlapping analysis, repetition designed to identify oversights by any one agency. This duplication serves as a valuable check and balance – and enhances security. In this case, both CIA and NCTC had access to all the relevant reporting on Abdulmutallab and either agency could have connected them, however, neither identified the intelligence as a threat stream. Overlapping efforts can help reduce the risk of one agency overlooking a threat, but these additional efforts cannot replace the need for one primary agency to have ultimate responsibility for this mission. As such, NCTC's failure to understand its fundamental and primary missions is a significant failure and remains so today.

IV. Technology Is Still a Problem for the Intelligence Community

The Congressional Joint Inquiry, that we participated in, found in 2002 that, "While technology remains one of this nation's greatest advantages, it has not been fully and most effectively applied in support of U.S. counterterrorism efforts. Persistent problems in this area included a lack of collaboration between Intelligence Community agencies, a reluctance to develop and implement new technical capabilities aggressively, the FBI's reliance on outdated and insufficient technical systems, and the absence of a central counterterrorism database."[6] This remains a problem today.

As this Committee review noted, technology across the Intelligence Community still is not adequate to provide search enhancing tools for analysts. Several of the intelligence analysts involved in the Abdulmutallab case said that they were unable to link together the various reports on Abdulmutallab due to the struggle to balance searching the large volume of terrorism-related intelligence available with their daily workloads. The large number of intelligence databases compounded this problem by forcing some analysts and collectors to search

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5 NCTC Response to SSCI, email from Eugene Barlow to Jacqueline Russell, March 11, 2010.
6 Joint Inquiry, p.54.

multiple databases. NCTC officials told Committee staff that NCTC does not have the technical ability to follow or process all leads. Rather, NCTC is dependent on its personnel to conduct complex searches in multiple intelligence databases and to rely on the memory and knowledge of those analysts to link intelligence. CIA has similar problems with its main all-source counterterrorism database. This remains a problem today.

V.   Conclusion

Almost nine years after 9/11, we are concerned about whether or not the Intelligence Community is organized effectively to identify and disrupt terrorist attacks. While we commend the Intelligence Community's hard-working personnel for their dedicated and tireless service, we are concerned that the policies, procedures and technology that they must work within today are hampering their ability to detect in advance the next attack against the Homeland.

We have seen terrorist organizations adapt and be agile in concealing their operations. They are unwavering, however, in their intent to strike the Homeland. In fact, since 12/25, Anwar al-Aulaqi called upon individuals to act independently and conduct attacks against the U.S. and other Western countries.

We must ensure that NCTC understands its role and its responsibilities as the Mission Manager for counterterrorism, and that our analysts have the technological tools they require to search through large quantities of intelligence. Today, identifying terrorist operatives is the biggest challenge our Intelligence Community faces, and they should have all the support necessary to be successful in their mission.

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