

WITNESS LIST

**Statement of
Stephen E. Flynn, Ph.D.
Senior Fellow, National Security Studies
Council on Foreign Relations
Before the
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United States Senate**

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I am Stephen Flynn, a Senior Fellow with the National Security Studies Program at the Council on Foreign Relations where I have been directing a project on “Protecting the Homeland: Rethinking the Role of Border Controls.” I am also a career U.S. Coast Guard officer and a member of the Permanent Commissioned Teaching Staff of the U.S. Coast Guard Academy in New London, Connecticut of which I am a proud graduate. I am speaking to you today in my capacity at a scholar who has been thinking and writing these past five years about the issue of asymmetric warfare and the vulnerability of the U.S. homeland to a catastrophic terrorist attack. I am honored to be afforded this opportunity to testify on the how government should organize itself to meet the imperatives of Homeland Security. I was in New York City on that tragic Tuesday and like so many who work and live there, I lost someone I knew—Mr. Fred Morrone, Director of Public Safety and Superintendent of Police for the Port Authority of New York and New Jersey. Fred was as decent and committed a public servant as you would hope to find in this great nation. His tragic loss along with the thousands of others who now lie beneath the rubble of the World Trade Center towers has transformed what had been, prior to September 11, an academic issue for me. Now it is a deeply personal one. On the Monday following the attack, I stood at ground zero and saw a sight I hope never to bear witness to again. I commend this committee, and your leadership, Mr. Chairman, in holding this hearing today. There is no more vital issue before this country than getting Homeland Security right.

I have read the President’s Executive Order Establishing the Office of Homeland Security and the Homeland Security Council. I have examined S. 1449 and the bill to establish the National Office for Combating Terrorism, and HR. 1158, the bill to establish the National Homeland Security Agency. I am familiar with the work of the Gilmore Commission having been afforded the opportunity to brief that commission on my research findings last April. I have also been honored to work in support of the Hart-Rudman Commission for which I served as a consultant on the Homeland Security issue.

I am pleased that the President has taken the important step of appointing Governor Tom Ridge to spearhead an effort to develop and coordinate the implementation of a comprehensive national strategy to secure the U.S. homeland from all forms of terrorism. Such a strategy is long overdue. I am also gratified that the legislative branch is weighing in on homeland security. As the President has said, the war on terrorism will be a long struggle. In light of that fact, it is vitally important we vigorously examine and debate where we should be heading and how we can best organize

ourselves to get there. In the spirit of informing that enterprise, I offer the following.

As this nation struggles to come to grip with our new sense of insecurity and vulnerability, it needs to accept three things as givens. First, no matter how successful our current military efforts in Afghanistan, for the foreseeable future, there will continue to be anti-American terrorists with global reach. Second, these terrorists will have access to the means—including chemical and biological weapons—to carry out lethal and catastrophic attacks on U.S. soil. Last, the economic and societal disruption created by the September 11 attacks has opened Pandora's box. Future terrorists bent on challenging U.S. power will draw inspiration from the seeming ease at which America could be attacked and they will be encouraged by the mounting costs to the U.S. economy and the public psyche associated with the ad-hoc efforts to restore security following that attack.

These realities highlight a central fact that strikes at the very core of how this nation has organized itself to deal with national security for the five decades following World War II. Quite simply, we have built our defense and intelligence communities to fight an away game. But on September 11, America's new adversaries have sent an unequivocal message: they intend to wage their war on our home front. They also have indicated that they prefer to fight us asymmetrically by attacking the American people, our landmarks, and critical infrastructure. In so doing, they have redefined who will be the nation's new foot soldiers in the battle to protect this country from catastrophic terrorism. Those new foot soldiers are the front-line inspectors and agents working for the Customs Service, INS, Border Patrol, USDA, FAA, Coast Guard, and state and local law enforcement officers and first responders. Equally important are the private sector owners and operators of the nation's physical plant, telecommunications, power, water supply, and transportation sectors upon which our way of life and quality of life depends. They must all make security a fundamental priority.

For the past two years I have made field visits at crossings along the U.S.-Canada and U.S.-Mexico borders, to many of this nation's seaports and airports, as well as overseas in mega-ports such as Rotterdam and Hong Kong. My research question has been this: given the cascading tide of peoples and goods moving across international borders, can we intercept that which is illegal and dangerous, while facilitating that which is legitimate and benign? The answer I have arrived at has sobering implications for our post-World Trade Center world. Stated succinctly, this nation has no credible means to filter the bad from the good within the transportation networks that link the U.S. economy with the world. This has three very serious implications relevant to the national emergency we find now ourselves facing.

First, if the President and his national security team believe the odds are low for detecting and intercepting a catastrophic terrorist attack on U.S. soil, they will inevitably feel all the more pressure to quickly track down, arrest, or eliminate the perpetrators. Since an overseas manhunt requires some form of an international posse, the pressure to act with dispatch may lead to the cutting of deals with friends and foes alike that may carry a very costly price-tag over the long run. Combating terrorism will be a prolonged struggle. Therefore, policy makers need all the breathing room they can get in building a diplomatic, military, and economic strategy. Key to achieving this will be restoring a sense that terrorist threats on the United States can be managed.

Second, a sense of defeatism that once in transit, terrorists or the means of terrorism cannot be stopped, places a heavy burden on domestic policing and civil defense that may ultimately endanger fundamental liberties. If the assumption is that terrorists will always be able to slip through and set up shop on American soil, then the argument for allowing law enforcement more intrusive surveillance technologies becomes a compelling one. The case for reducing the barriers for the intelligence community to engage in domestic collection efforts also gathers more force. In addition to the loss of privacy protections, domestic counter-terrorist efforts can be used as a basis for justifying more restrictions on freedom of movement, and imposing a larger “security tax” on virtually all aspects of modern life.

Third, the absence of a credible capacity to filter illicit from licit cross-border activity places U.S. commerce at frequent risk of disruption. This stems not so much from acts of terror as it does from the U.S. response to it. In the hours following the Sept. 11 terrorist attacks, the combined result of grounding the commercial aviation fleet, stopping all inbound ships arriving in the nation’s major seaports, and moving from Alert Condition 4 to Alert Condition 1 at the land border was to place a tourniquet around the transportation arteries that feed the national economy. This blunt response was prudent given the initial uncertainty surrounding the attacks. Any plane, train, ship or truck could have been a bomb. But, there is some risk that taking such drastic measures may now become standard procedure not just in the wake of a future attack, but whenever the government is presented credible intelligence about a threat of catastrophic terrorism.

For example, imagine that a covert human intelligence operation has successfully penetrated a terrorist cell and discovered that a container has been loaded with a chemical weapon and destined for an importer in the United States. At present, the U.S. government has virtually no means to identify the location of a container until it reaches its final destination port. Once it has left an Asian port it could be placed on a coastal freighter and then mixed among the more than million containers handled each *month* by Hong Kong or Singapore. There it could be loaded aboard a container ship destined for Vancouver, Seattle, Tacoma, Oakland, Los Angeles, Long Beach, or even the Panama Canal where it could enter the United States through any of the seaports on the Gulf or Atlantic coasts. Given this situation, the President would face the unhappy choice of effectively creating maritime transportation gridlock so as to allow each container to be examined when it arrives, or praying that the container does not get diverted or the weapon is not activated before it can be detained at its final destination.

In the post-World Trade Center world, two things can be accepted as certainties. First, there exists a heightened risk of another attack either by adversaries or terrorists who are inspired by the example of September 11 or in retaliation to the U.S. response. Second, stepped-up counter terrorist intelligence work will inevitably produce more warnings of possible attacks; i.e., the more the intelligence community looks, the more they are likely to find threats that should be taken seriously. In both instances, we face the likely prospect routinely imposing an embargo on our own economy as a preventative measure to protecting the homeland. Over time, this has the potential to advance the primary aim of the terrorist: to weaken the United States by creating profound economic and societal disruption.

What does all this mean for the way we organize ourselves for homeland security?

First, it means that we need to fix some very broken front line agencies.

The Customs Service, INS, Border Patrol, USDA, and Coast Guard simply lack the manpower, data management tools, communications equipment, and collaborative mechanisms to protect our borders. A few facts make the case:

-- Despite the fact that Canadian Security and Intelligence Service (CSIS) believes that there may be as many as 50 terrorist groups with a foothold in Canada, as of August 2001, the U.S. Border Patrol had just 330 agents supported by a single analyst. Their monumental task is to detect and intercept illegal border crossings along the vast open spaces of the 4000-mile land and water border with Canada.

-- U.S. trade with Canada climbed from \$116.3 billion in 1985 to \$409.8 billion in 2000, but U.S. Customs has only 700 inspectors assigned to the northern border—200 less than it had twenty years ago. On the border crossings in the State of Washington, Montana, North Dakota, Minnesota, Michigan, New York, Vermont and Maine, routinely half of the existing primary inspection booths remain closed solely because of the understaffing of U.S. Customs and INS inspectors.

-- After a decade of budgetary neglect, the U.S. Coast Guard which is tasked to maintain port security and patrol 95,000 miles of shoreline, has had to reduce its ranks to the lowest level since 1964 and to routinely cannibalize its decades-old cutters and aircraft for spare parts to keep them operational. In the 1990s, the Coast Guard did assemble six specially trained "Port Security Units." But these units are manned by reservists and funded by the Department of Defense to serve *overseas* so as to protect military forces operating in foreign ports.

-- These frontline agencies cannot effectively talk with each other. For example, imagine there is a ship with a shadowy record of serving in the darker corners of the maritime trade. Its shipping agent sends notice that it will be importing a type of cargo that does not square with its homeport or its recent ports of call. It is manned by crew members some of which are on an intelligence watch list because they are suspected of having links with radical Islamic fundamentalist organizations. This ship is scheduled to arrive on the same day that a tanker carrying highly volatile fuel is also arriving in port. It would be reasonable for the American public to expect that a ship with a shady past, carrying suspect cargo, and manned by a questionable crew would be identified, stopped and examined before it could enter U.S. waters with potentially tragic consequences. However, under the current border management architecture, odds are this would not happen because none of these red flags would be viewed simultaneously. The Coast Guard is likely to know something about the ship and will know also about the scheduled arrival of a tanker carrying hazardous cargo. Customs will receive some advance cargo manifest information. INS may or may not know that much about the crew—depending on the kind of visas the sailors are holding and the timeliness with which the shipping agent faxes the crew list. In addition, none of the frontline inspectors in these agencies are likely to have access to national security intelligence from the FBI or the CIA. And all of these agencies will have more people, cargo, and ships that spark their interest and concern than they have the manpower to intercept and inspect.

We need to ask how these front-line agencies could be so broken? The answer lies in no small part because their parent departments, congressional appropriators, and OMB reviewers have failed to appreciate the vital security role these agencies play.

Finally, we need to ask how can we fix this—and soon. “Better coordination” alone will not answer the mail. Coordinating broken entities that have not been well served by their parent departments will not provide the nation with the kind of robust border management capability the country requires to prevent terrorists attacks on U.S. soil. These agencies will need a serious long-term infusion of resources to man, equip, and train them to operate in the more complex security environment within which they must perform. They will require a powerful advocate in the executive branch, and strong allies on Capitol Hill. The best way to achieve that is to assign these agencies to a new home in the U.S. government under one roof.

September 11 was a watershed event. Many of the people I rode in with early that morning on the commuter train to New York never made the return trip home to their husbands, wives, children, and parents. There is much more we could have done prior to September 11 to prevent terrorist and the means of terrorism from being able to target this nation. There is much we can do and now must do to reduce the risk of another catastrophic event on U.S. soil. When it comes to rethinking how to organize the U.S. government to meet the vital homeland security imperative, everything should be placed on the table.

Thank you for this opportunity to present my thoughts before you. I welcome your comments and questions.

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