

Commission Public Hearing

New York, NY

September 10, 2008

Commission on Prevention of WMD Proliferation and Terrorism

[START TAPE 1]

CHAIRMAN BOB GRAHAM: On behalf of myself and our Vice Chairman, Senator Jim Talent, and the other members of the commission, we welcome you to the first public hearing of the Commission on the Prevention of Weapons of Mass Destruction and Terrorism. We are convened almost seven-years to the day, of the 2001 terrorist attack on the United States, and particularly on this city.

The aftermath of that day of infamy, Americans wanted to know how could it have happened. The joint congressional inquiry and the independent 9/11 Commission were established

to investigate. The 9/11 Commission held its first public hearing in this place on March 31st, 2003.

When the commission reported to the American people in 2004, it wrote, 'the greatest danger of another catastrophic attack in the United States will materialize if the world's most dangerous terrorists acquire the world's most dangerous weapons.' Congress received this warning through the efforts that Speaker Pelosi, Minority Leader Mainer [phonetic], Senate Majority Leader Reid, and Minority Leader McConnell. Congress passed House Resolution 1, which concludes a provision establishing this new commission, our mandate to build on the work of the 9/11 investigations and complete a critical task to assess how is our nation doing at preventing the proliferation of weapons of mass destruction and terrorism, and to provide a road map for greater security with recommendations for improvement.

This commission is distinguished in that it is not focused on the rearview mirror. There has not been an attack for us to investigate, and for that, we are all incredibly fortunate. But it gives us an opportunity to be forward looking, to examine the government's current policies and programs, identify the gaps in our prevention strategy, and to recommend how best to close those gaps. Our report will be issued this fall; our audience will be the next President of the United States of America, and the next congress.

Our commission is focused on nuclear and biological terrorism. We do that for a simple reason. A terrorist attack using those weapons would be a game changer. The impact on the United States' foreign policy, on our national life, would be so momentous that it could usher in a new world disorder. A nuclear or biological terrorist attack would be so catastrophic and so consequential that our government must explore every option, take every precaution, pursue every sensible means to deter and prevent it.

The report card issued by the 9/11 Commission in 2005, a year after its final report, gave U.S. efforts to secure weapons of mass destruction a D. More recently, the non-profit group, Partnerships for a Secure America, rated it as a C. Senator Sam Nunn, one of today's witnesses, serves on the board of that group and their assessment also concluded, today, almost seven-years after the tragic events of September 11, 2001, the threat of a new major terrorist attack on the United States is still very real.

A nuclear chemical or biological weapon in the hands of

terrorists remains the single greatest threat to our nation. Earlier this year, the Secretary of Defense, Robert Gates, stated, every senior leader, when you're asked, what keeps you awake at night? It's the thought of a terrorist ending up with a weapon of mass destruction, especially nuclear.

Our commission has spent the last four-months surveying what the government is currently doing to prevent the proliferation of weapons of mass destruction and terrorism. We've interviewed over 200 government and non-government experts, have held four major commission meetings.

We've traveled to the Sandia National Laboratory in New Mexico, as well as London and Vienna, to meet with counter terrorism and intelligence officials, and with the international organizations working to stem proliferation. Later this month, we plan to travel to Russia and Pakistan.

Our government is not sitting idly by in the face of this threat, but there is more that can and must be done. Over the last seven-years, we have seen innovation and great efforts in the counter-terrorism arena, though most of this has been limited to defense and intelligence operations. It needs to be extended to include diplomacy and other means of soft power.

In the area of non-proliferation, the old cold war, pre-globalization regimes have not sufficiently adapted. And indeed, in many instances are in disrepair. Meanwhile our enemies are not sitting idle either. The 2007 National Intelligence Estimate on Terrorism conclude that Al-Qaeda "has regenerated key elements in its homeland attack capability, including a safe haven in Pakistan, operational lieutenants, and its top leadership." The report continues, "Al-Qaeda continues to plan high impact attacks with visually dramatic destruction."

To put it plainly, we are not safe. But we can achieve a far greater measure of security. So our commission is here today, to review the current dangers posed by weapons of mass destruction, proliferation, and terrorism. Our next hearing, which will be held on October 1st, in Washington, will take the next step and examine how the government can intensify it's efforts to prevent weapons of mass destruction and terrorism.

We look forward to hearing from the witnesses and very much appreciate their time and commitment. They each bring unique experiences and vital perspectives that will inform

the work of this commission.

First, this morning, we will hear from Ms. Carie Lemack, who made a great contribution to the investigations of 9/11. She is the founder of The Families of September 11th, and she will speak on behalf of the families who have suffered such grievous loss.

Next, we will hear from Mayor Michael Bloomberg, followed by Senator Sam Nunn, Co-Chair and CEO of the Nuclear Threat Initiative, and Dr. Matthew Bunn, Associate Professor at the Kennedy School of Government at Harvard, to talk about the nuclear threat.

They will be followed by Tom Brokaw, former Anchor and Managing Editor of NBC Nightly News, and a target of a biological attack, and Dr. Margaret Hamburg of the Nuclear Threat Initiatives. They will talk about the biological threat.

We will conclude with a panel of senior law enforcement officials, including John Pistole, the Deputy Director of the FBI, and Commissioner Ray Kelly and Chief William Bratton, the heads of two of America's largest police departments New York and Los Angeles.

We need an unvarnished assessment of the risk posed by weapons of mass destruction, proliferation, and terrorism, and what more our government must do to counter the threat of nuclear and biological terror attacks. That is our mission. We thank you for your attendance. I now call on our Vice-Chairman, Senator Jim Talent. Jim.

VICE-CHAIRMAN TALENT: Thank you, Mr. Chairman. I appreciate your good work in pulling this hearing together and I want to join you in thanking the witnesses who are here today to help us in our very important mission. I'm going to be brief, Mr. Chairman. I do want to make a few observations, up front, regarding the challenge America faces in countering the danger of, not just of terrorism, but also of weapons of mass destruction and proliferation linked to terrorism.

The world today is more interconnected than ever before. A few examples of that: in 1950, cross-border capital flows were less than \$100 billion; in 2006, they were more than \$6 trillion. In 1950, there were 25 million international tourist arrivals in the United States; in 2006, there were 800 million. And we're more scientifically and

technologically adept around the world, and more comfortable sharing that knowledge. In 1950, there were 90,000 scientific articles published; in 2006, there were 900,000. And of course, once they get published they're available on the Internet, to anybody.

The trends toward globalization are being leveraged against us by our enemies, including the terrorists, who are seeking to acquire and use weapons of mass destruction. Before 9/11, anything we've heard about WMD proliferation was usually expressed in state-to-state transfers; that continues to be a danger. Many people didn't think terrorists had the intent or the capability to acquire and use weapons of mass destruction. We now know that that is false. They most certainly have the intent and given the right opportunities, they could easily develop that capability.

The scientific developments of the Industrial Revolution favored first world economies. The scientific developments of the Information Revolution have unfortunately empowered the terrorists and they understand that.

Ted Gistaro, who is the National Intelligence Officer for Transnational Threats, recently said that, "We assess that Al-Qaeda will continue to try to acquire and employ chemical, biological, radiological, or nuclear material in attacks, and would not hesitate to use them if it develops what it deems as a sufficient capability." Our adversaries are entrepreneurial; they make use of the Internet, porous borders, and easy access to once closely held information. In other words, they make use of the hallmarks of a globalized world.

The question for the commission, and ultimately for the next administration and the congress, is how do we stop them. How do we leverage the American entrepreneurial spirit in our intelligence, defense, law enforcement, and diplomatic communities? We're going to try and answer that question when our report is issued in the fall.

Today, the subject of the hearing is, The Threat. As the chairman just mentioned, we know that the threat is real. To downplay it is to risk lowering our guard against an enemy who has a clear intent to attack us. To overplay it would also be a mistake.

Our object today is to give America a clear, unbiased view of how great the threat is and begin the public process of

deciding how to stop it. To that end, Mr. Chairman, I'm grateful to be able to work with you and the other commissioners, and to our witnesses for appearing today. And I yield back whatever remains of my time.

CHAIRMAN GRAHAM: Thank you very much, and I also want to thank you for the great leadership that you have given to our commission and the contribution that you're going to make to our ultimate report.

Our first witness today, is a person who has played a great role in bringing us to where we are. Without her and her colleagues efforts, there would not have been the 9/11 Commission. There would not have been the investigation; there would not have been the focus on our subject of today, Weapons of Mass Destruction in the Hands of Terrorists. We are fortunate to have with us today, the co-founder of the Families of September 11th, Ms. Carie Lemack. Ms. Lemack.

MS. LEMACK: Thank you. Good morning. Thank you very much for having me here today, and thank you to all of you for putting on this hearing, for participating in this panel. It's great to see such an amazing focus on such an important issue. And I know that today you're going to hear from our nation's most prominent elected officials, leading experts, and decorated law enforcement officials, about the dangerous threats facing our country. And I'm just thankful that you've taken on the very important responsibility to study and prepare, and ensure that our nation is ready to meet these threats.

And I also want to thank the very hard-working staff you have that put this all together. They've done a fantastic job and I am very proud to be a citizen who is part of this country that's going to do such an important thing.

It is an honor and a privilege to be here, though it is an honor I'd much rather not be qualified to receive. I am here today, not as an expert on terrorists, on weapons of mass destruction, or on biological threats. Instead, I'm an expert on when those policies go wrong. And seven-years ago today, I never would have been qualified to be sitting here, right now. And not having such an expertise, quite frankly, was the thing I would have preferred.

But I thought I'd tell you a little bit about seven-years ago today. It was September 10th, 2001, and it was just a normal day for me and my family. I went to work; I was applying to business school at the time, so I wrote one of my essays. I

was trying to be diligent.

I was very thankful it was a gorgeous day in Boston, and I went out to dinner with my boyfriend at the time, and we got to sit outside on Newbury Street; it was lovely. And I went home that night and I called my mom, which was my usual ritual, to tell her what had happened that day and tell her about the conversation I'd had with my boyfriend, probably not something he really wanted me to share, but something I did anyway.

And I'll never forget what my mom said—actually, she was asleep; I woke her up—and I was shocked because we're late-night people. We're not very good in the early morning. So I apologize in advance, 'cause it is a little early. But mom said, did you call your sister and congratulate her? And she was referring to the fact that that day was my sister's first day as an adjunct law professor at Northwestern University. And my mom was so proud of my sister.

And of course, I had already called my sister to make fun of her and tell her how old she was, now that she was a professor. And mom was very happy. She had always told my sister and me, you guys will always be sisters. Even when we were young and we would fight, she would make sure that when we made up, we had to hug. It's very hard to be mad at somebody when you have to hug them. Mom said you will always be sisters and I'm so thankful she did, because having gone through what we've been through the last seven-years, we are very lucky to be so close. And I'm so thankful to have her in my life. So that was my normal routine.

But these days, I have a very different normal routine. I can't call my mom any more, I can't ask her questions about my relationships, I can't ask her about work, I can't even ask her about the speech I had to prepare today. She was a really good writer, much better than me. And she used to always find typos and grammatical errors, and my mom hated the passive tense, so that was one of her big things, to make sure anything I ever wrote was void of passive tense.

And the fact that I can't call her any more is, as you guys - - , is quite obvious. It's because on September 11th, 2001, seven-years tomorrow, my mom got on a plane, an early morning flight. To say, when we heard what happened on 9/11, we hoped maybe she'd overslept and missed it; that wasn't the case. She got on her plane, leaving from Boston heading to Los Angeles,

California, for a business meeting, and she never came home.

So now I have a new normal that includes speaking at airports across the country to thank the airport screeners for the hard work, and the commitment and sacrifice they make, because, let's face it, their job's not one probably any of us want to have. It's very difficult and there's a lot at stake. If they mess up, somebody dies.

I also meet terrorism victims from around the globe, and yesterday, was honored to be part of the first ever, United Nations Symposium on Supporting Terrorism Victims. It was quite a wonderful event and I was honored to be there as an American victim. But when you see what else has happened around the world, it's clear that terrorism really is a global issue and something that you're going to be having to address, whether a nuclear bomb were to go off in America or anywhere else in the world, it would make a big difference in all of our lives.

Sadly, my new normal also requires receiving phone calls from the New York City Medical Examiner's office. In fact, on the way down here today, we passed a large tent and it reminded me of what the tent looks like where my mom's and so many others', unidentified remains, stay. It's a large, white tent. It's pretty nondescript, and pretty awful to think that they're going to be unidentified remains for so long. Right now, there are 1,126 families who lost loved ones on 9/11, who have never received any remains from their loved ones.

We got our first identification of mom, last April, so nearly a little more than five-and-a-half-years after she was murdered. They found her foot, her left foot, complete with ankle, and it was not burned. And they found it, actually, in September of 2001, but they weren't able to identify it for five-years. They weren't able to identify it, they said, because it had been in fires and heat, and all sorts of other awful things, for so long, that the DNA was not useable, until they were able to come up with new techniques.

They then found another piece of my mom on top of the Deutsche Bank building. They found one piece in April of 2007 and most recently found another couple pieces that they were able to identify last month. And when you think about the fact that my mom's foot fell, at Ground Zero, in a pile, and that the rest of her was found a couple-I believe it's a couple-blocks away, it's pretty horrific.

The way it was explained to us is that mom's body shattered when her plane hit the building, and that the debris that you see when you watch the videos of 9/11, and you think it looks like glass and pieces of the building, that's actually pieces of my mom and so many others' bodies. The impact shattered them and they just kept going.

They still find body parts at Ground Zero and we've been told to expect phone calls for years, for pieces of my mom that may be found. So actually, right now, in that tent, I know for sure, there is one piece of my mom. It was three centimeters long. It is now only two centimeters, 'cause part of it dissolved in the identification process. But we need to get through all the logistics of picking her up and bringing her home to Boston, and it's a lot of logistics so it's going to take some time.

So this is my new normal and it's not something that I wish for any others to endure. But quite frankly, I know that my sister and I are not alone. There's too many others who share the fate that we're going to have to go through. And it may sound scary, but as we said earlier today, and as 9/11 Commission Chair, Tom Kean, has said so many times, we're safer, but we're not safe enough.

And when I look back on my life before 9/11, I didn't know who Osama bin Laden was. I didn't know that he was going to try to kill my mom and nearly 3,000 others. I didn't know that he had declared war on the United States. I didn't really know much about the first World Trade Center attack in 1993. I didn't know that he was, "determined to strike within the United States," as was told in a presidential daily briefing from August 6th, 2001. And I didn't know that he had plotted before and that he had committed himself to using airplanes as weapons.

But now I don't have the luxury of that ignorance. And quite frankly, neither do any of us, here, or our elected officials. After spending 14-months along side other 9/11 family members, pushing to create the 9/11 Commission, and after reading its recommendations, and after urging congress to implement them, I have a better understanding of what this man and his followers want to do.

And one thing stands out. And I say this—I don't mean it to sound flippant—but people call Osama bin Laden all sorts of names. They call him evil, they call him blasphemous, they call him all sorts of four-letter words. I've heard them used in my own family; I can admit it. But what I also want

to make sure we call him is, transparent. Because this man does tell us what he wants to do and he makes it very clear how he's going to do it, and then he executes it.

Sometimes people say to me, well, it's been seven-years. We're probably okay; we haven't had an attack yet. And all I can think of is the fact that it was eight-years in between the first World Trade Center attack and the attack that killed my mom. And I think part of me is dreading eight-years after 9/11, because I sort of feel, in my mind, that's when something bad is going to happen, if it doesn't happen before. I hope I'm wrong.

So with this in mind, the obvious question is, what does bin Laden say he's going to do next? And shouldn't we be focusing on this? I mean there are lots of threats out there, but if this man has made it so clear in the past, shouldn't we think that maybe he's going to make it clear now? And when I think about the answer to that question, there's both good news and bad news.

So we'll start off with the bad news, and it's this. He has pledged to kill four-million Americans using a nuclear bomb, and he hopes that two-million of those Americans are children. He's received a Fatrah, a religious edict to support this and he believes he is religiously justified for these types of actions. And he's actually been doing his homework. Once we invaded Afghanistan—I think we all are aware of the reports—that they found blueprints for nuclear bombs in some of the caves in Afghanistan. So that's the bad news.

The good news is, we can stop him. This is the part I love to say. Bin Laden can't make nuclear weapons materials, he'd be forced to steal them or buy them. So if we can lock him down, if we can make sure he has no access to those materials, he can't do what he wants, and that to me, would be a wonderful legacy.

But we won't be able to lock them down, we won't be able to keep these materials away from him if we don't have the political will to do it. And we won't be able to do it on our own; we have to work with other nations. There are more than 40 countries that have nuclear weapons materials around the globe. And in many of those countries, they're secured only with a chain-link fence.

In our global economy, if a nuclear bomb were to go off anywhere in the world, the ramifications would be far and

wide, both in terms of the loss of human life, and also in terms of loss of stability and security. And some may say it's very hard to do and we may want to focus on other threats, because they may be a little bit easier to secure ourselves from. But the fact is, this man has said this is what he wants to do, and I, quite frankly, believe him.

But I don't need to tell you all of this; you already know all of this. You've gone to many countries already, you've been working so hard on this issue and I'm sure you have been drinking from the firehouse of information in the last few months. So I'm not going to go into the details about the death and destruction that a weapon of mass destruction would entail. I think you all know that; but needless to say, if one were to go off, there would not be a room in this country, or quite frankly, in the world, that could house all the family members that would want to speak out against those actions.

So while I want to make clear again, I am not an expert. Those are the ones speaking later in the morning. I have a personal stake in the recommendations that you make. I owe it to my mom, and I actually brought a picture of my mom today. This is Judy Rock [phonetic]. This was taken just a few weeks before she was killed. She was 50; she would have been 51 about a month after September 11. I owe it to her to make sure that what happened to her never happens again, and that her legacy is one of peace and not of further destruction.

And I owe it to my baby nephews. My sister has had two children since my mom was killed, Paul and Mason. They're wonderful; they are very proud to be Americans. In fact, recently we took Paul on the Freedom Trail, in Boston, and he's now very proud to say no taxation without representation. He's good at it, too. And I owe it to him and to Mason, to make sure that—they won't get to meet their grandmother; there's nothing I can do about that—but they need to meet the rest of their families and they need to have safe and secure lives, to prosper.

So if the next administration were to ask me, here's what I'd tell them. And even if they don't ask, I might say it anyway. First off, the prevention of weapons of mass destruction and terrorism has to be a top priority. And that's not just in words, that's in action.

I'm sure you all know that in 2004, both of the presidential candidates agreed on only one thing and that is, that

weapons of mass destruction in the hands of terrorists is the gravest threat facing our nation. And I'm very glad that they agreed on that, but what was really—what we were looking for was to see a lot more action. We've seen some, but not enough.

Since 2004, we've seen North Korea test nuclear weapons, we've seen more countries come closer to having their own nuclear program, tensions are higher, and relations are poorer. We're seeing countries that used to work together, not want to work together any more. I was once told by a senior government official that marketing and communications professionals had decided that we just weren't going to talk about nuclear terrorism and that was the best way to handle it, because it might scare Americans. And I completely disagree.

I have been privileged to travel around our country and talk about this issue with Americans all over. In Des Moines; Columbia, South Carolina; and St. Petersburg, Florida; Manchester, New Hampshire; and in every single talk and forum, not one person left there fearful, afraid. They left empowered. Once they heard about the threat; once they knew there was something we could do, they were ready to go.

And what they couldn't understand is why weren't our leaders doing something about this. They didn't understand, well, if our leaders know about this threat and if our leaders know what the solutions are, why aren't they doing it? And I don't really have a good answer for that. It was quite frustrating, I have to say.

So I hope that the next administration talks quite candidly about this issue and asks Americans to step up and do their part, too. It takes all of us working together, and I know that my fellow citizens are up for the challenge.

Secondly, I would tell the administration that the best way to demonstrate that this is a priority is to actually have a person in charge of it. It seems so clear when you say it. Right now, there are lots of people working on preventing nuclear terrorism and preventing weapons of mass destruction and terrorism. And they're fine people and they're doing a good job, and they're working quite hard.

However, when you think about the fact that there is nobody who woke up this morning, at a very high level in government, with his or her ear to the president, who, this is their one priority. That scares me. We need somebody at

a high level, with the right resources, to be able to be in charge. And on this issue, even congress—which everyone knows is the most partisan congress we've had in a long time—they even agree and were able to pass a bill creating such a position, called, The Coordinator.

This bill was passed in August of 2007. That's when President Bush signed it, and to date, that position has yet to be filled. I have been told it's because some lawyers have some concerns about some of the language. And while that may be the case, I think that we have lawyers that can figure those things out, within 13-months, in this country.

There's simply too much at stake for us not to do this and to not coordinate amongst agencies. I think you all know that and I'm very hopeful that you're going to have some recommendations to make sure that we get somebody in charge, at a high enough level, who's given the resources to do this job well.

Thirdly, the prevention of weapons of mass destruction must be on the agenda of the next president, whenever he speaks to another foreign leader. It pains me to see that we're not making it a top priority for other countries to work with us, if they want to work with the U.S. on any issue it needs to be on the agenda for every time our leaders are speaking to leaders of other nations. Otherwise, how are they going to know that it's our top priority if we don't make them know.

So before I conclude, I want to say one thing about my mom. We're from Boston and we're Red Sox fans. I probably shouldn't say that in New York, but I'm strong and I can admit it. And because we are Red Sox fans, we have to be optimists; especially when Tampa Bay is playing so well. So being an optimist has its good and its bad days, but I'm hoping that today is a good day because my mom taught me and my sister that we could do anything. She really did.

And I think that was that inspiration that led us to co-found Families of September 11th, after her murder. It never dawned on me that we couldn't do that. It never dawned on me that we couldn't get our government to create a 9/11 Commission. It never dawned on me that it would be tough to get congress to create a new Director of National Intelligence. I knew we could, because my mom told me we could, because my country has brought me up to know that anything is possible.

And I always have to plug that—my mom being a big Red Sox

fan—I'll never forget in the fall of 2001, so many Americans wanted the Yankees to win the World Series. Not on our watch. I knew that and in fact, the Red Sox won their first World Series on what would have been my mom's 54th birthday, which was obviously quite a bittersweet day for us. But I think there was a shout out to her.

So before I leave, I again want to thank you for the honor of speaking before you, and thank you for the very important work that you are doing. We're paying attention and we're just so grateful that you're willing to take on this very big task. And like my mom, I am optimistic that you're going to deliver it to the next administration, a thorough and actionable list of recommendations that will be implemented.

And I'm optimistic that we, as Americans, can face the very difficult realities and make the tough decisions and take the right actions to ensure that our enemies cannot realize their terrible goals. And in doing so, we can make sure that Americans, other Americans, will never have to learn new normals, like my family and way too many others have had to learn. So with that, thank you very much. I'm very much looking forward to see what you come up with, and I'm happy to take questions.

CHAIRMAN GRAHAM: Carie, thank you very much for that very eloquent statement and your passion increases our passion to fulfill this mission. This is a threat beyond imagination but it is a threat where human will and application can substantially increase our security, and you have given us that challenge. To express the appreciation of the commission, I would like to call on Commissioner Tim Roemer, who is a member of both the Congressional Joint Encree [phonetic], and then the 9/11 Commission.

COMM. ROEMER: Thank you, Mr. Chairman. I'll be very brief. I am not going to get into the baseball comparisons, Carie, that you got into here in New York City, with the Boston Red Sox, and the rivalry between the New York Yankees.

I do want to take a moment to say how absolutely extraordinary and unprecedented, and in the end, so effective, your participation was in the efforts to make our government accountable, to hold their feet to the fire, and to help the government change, and make new legislative efforts to reorganize itself, in light of the 21st Century threats.

I remember sitting down with you and dozens and dozens of other 9/11 family members, being a liaison from the 9/11 Commission, to the families. And in one of the first meetings, I remember we were talking about a legislative strategy and one of the members of your families said which one, Tim, is bigger, the House or the Senate? Which one has more members? And we all scratched our heads and giggled and laughed a little bit, thinking this is really going to be difficult to achieve this if family members don't know the differences between the House and the Senate and the size, how are we going to ever, effectively, get our government to be accountable and make changes?

And you folks were the key reason why that 9/11 Commission succeeded. You held people accountable, you testified before congress, you went to editorial boards, you went to districts of key members of congress to make sure they were going to vote for these reforms, and the 9/11 families from throughout this region and down in Virginia, were the reasons why government changed.

And I hope that you and other 9/11 family members will re-engage and help this commission be successful in something that not only needs the American people's help, but world support, to gain traction and get the maximum effort put forward, to make this world safer. We have a long way to go, and with your help we can do it again.

CHAIRMAN GRAHAM: Thank you, Tim. Vice-Chairman Talent.

VICE-CHAIR TALENT: The chairman and I are both going to be careful about how much time we take with these witnesses. But you said something that I think is so important, I want to emphasize. One of the difficulties of meeting this threat, is because civilized people don't believe that there are people around who really will do this. And they want to do it for the equal but opposite reasons that we don't believe they will do it.

And that's what makes this so difficult. They're trying to do it precisely because the civilized world views it as so brutal and unconscionable, and you get that, and you can't understand this problem unless you first understand that. Thank you Mr. Chairman.

CHAIRMAN GRAHAM: Thank you very much Carie. I appreciate...

MS. LEMACK: On behalf of the 9/11 families, I've actually brought a little token of our appreciation for the work that

you're doing. I have a bracelet here, for each and every one of you. This was designed by a young boy whose father was killed in the World Trade Center, and it says on it: Honor, Hope, and Remember. And I'm just going to pass it on to all of you. Thank you again.

CHAIRMAN GRAHAM: Our next speaker is the very distinguished mayor of this city, who has devoted an enormous amount of his great talent to thinking about, and preparing this city, and through example, preparing America for the possibility of this horrific event. We are extremely pleased and honored to have Mayor Michael Bloomberg. Mayor Bloomberg. Thank you.

MAYOR BLOOMBURG: Good morning. Thank you. Good morning.

CHAIRMAN GRAHAM: Thank you, Mr. Mayor. We appreciate your sharing your morning with us.

MAYOR BLOOMBURG: Happy to do it. You're trying to make a difference and we need the people to do that. We've talked a lot about the problems, I think, and it's time to really do something about them. I just want to start by thanking you for inviting me to come this morning and testify. By holding these hearings, I really do think that you are doing our entire nation a service. A government's first and most critical responsibility has always been to protect its citizens, and I think that never has that responsibility been more challenging than it is today.

We are currently engaged with enemies who are bent on our wholesale destruction; who won't hesitate to unleash weapons of enough force and magnitude to kill millions of people and wreck untold chaos. And I think no one understands that better than New Yorkers. As you know, tomorrow—seven-years ago from tomorrow—a group of terrorists brutally, brazenly attacked this city's two tallest skyscrapers, writing an ugly new chapter in the history of horror and evil.

And in those seven-years since, I'm pleased to say New Yorkers have come together to rebuild a city that is safer, stronger, and more welcoming than ever. If anything, our incredible comeback is a shining testament, I think, to the resilience of the American spirit. But even as New Yorkers have rebuilt and returned to our daily lives, I hope we've not lost sight of the fact that our city is still squarely in the crosshairs.

In fact, just last week, a Pakistani woman with ties to Al-Qaeda, and a degree from MIT, was charged with trying to kill U.S. soldiers in Afghanistan. And when she was arrested, she was ominously carrying a list of New York City icons, including the Statue of Liberty, the Brooklyn Bridge, Wall Street, and the Empire State Building.

Clearly, New York is a powerful symbol of what our enemies find so threatening; capitalism and freedom, modernity and diversity, equality and tolerance. New York, as you know, is the world's media and financial capital. It's the home of the United Nations, and a place where every faith is not only respected, but is practiced. For those reasons and because we are America's biggest city, we remain a prime, if not the prime, target for terrorist groups. And that presents challenges that we are determined to meet head-on, and you'd be happy to know, we are sparing no expense.

Although preparedness is a crucial part of our counter-terrorism efforts, let me, this morning, concentrate remarks on the commission's primary concern, and that is, prevention. I'm glad to see that congress has focused this commission on prevention, because congress, I think, has lost that focus over the last seven-years. People we send to Washington have been too busy spreading around homeland security funds, based on votes and not on threats, and this is a phenomenally dangerous thing for our country.

Prevention has always been our No. 1 priority in New York City, and here at home we've not only hired some of the best minds in the intelligence community, but we put our cultural diversity to work for us by hiring more police officers who speak the languages we need to know. Today, more than 700 members of the police department speak 47 different languages in our growing foreign language division. And that includes 63 Arabic language speakers.

Prevention requires personnel, not just equipment. And local counter terrorism efforts like ours should be supported by the federal government. I've sworn in a class of 7,000 police officers at Madison Square Garden a couple of months ago—we do that twice a year—and that group of police officers were born in 58 different countries around the world. This city is diverse, our police department is diverse, and we think that we do understand, not only the people that we are here to serve, but the people around the world who are threatening to us.

Hiring the best and the brightest, including those with

foreign language skills, is crucial to prevention. If you can't understand what people are saying or what people are writing, I fail to see how you could possibly know what threats you have and do anything to prevent them.

Prevention is why we are sending police officers to visit chemical plants, storage facilities, parking garages, and dozens of other businesses that might unwittingly be used in a terrorist attack. We constantly educate the private sector on situations they should be aware of and we ask them to report any suspicious activity.

When I was sworn into office, less than three-months after 9/11, one of the first decisions that this Commissioner Ray Kelly and I made, was to over-hall the NYPD's Intelligence Division and create a new counter-terrorism bureau. Both units, which now employ a total of 1,000 police officers, have become models to other big city police departments around the nation, and crucial elements in the global fight against terrorism.

In August of 2004, for example, we foiled a plot to bomb the Harold Square Subway Station in Midtown Manhattan, just a week before the Republican National Convention was held here. The tip-off came from an informant, who the intelligence division had cultivated in our city. Today, the NYPD's Intelligence and Counter-Terrorism Program reaches around the world.

In fact, we currently have 11 of our best detectives posted in Tel Aviv, London, Abu Dabi, and other foreign cities, feeding us intelligence every day, and working to obtain a full picture of the global terrorist threat. They are our outreach to other intelligence agencies that are also our eyes and ears, to know what terrorists are trying to do elsewhere around the world and what the best practices other have developed are, to fight that.

Prevention is why we now conduct random bag searches in the subway system. When I go in the subway system every few days, there are some police officers looking in bags. It's why we conduct additional patrols for potential targets. That's why we created a special inspection team to monitor the city's underwater tunnels. They are vulnerable and we ought to make sure that they are protected. It's why we are also continuing to strengthen the ties between our city's Muslim community and the city as a whole, making sure that the antagonism and resentment, which has become all too common among European Muslims, does not happen here.

Prevention is the core principle of our counter-terrorism strategy, because even though we know we remain a target, we do not believe that another successful attack is inevitable. We owe it to our city and to our country to do everything we can to ensure that the next potential attack is not successful.

The defeatism that some people have, I find strange. If you're going to be a defeatist, you're just not going to do the job of preventing. We can prevent the next terrorist attack, and in fact, if we don't have a terrorist attack, we'll never know whether we the reason that they didn't attack, or they just hadn't planned it. But I would rather be on that side of an error than on the other side.

The centerpiece of the NYPD's ongoing efforts to prevent an attack in New York is our new, Lower Manhattan Security Initiative. Under this program, we've been hardening the highly sensitive area south of Canal Street with massive investments in technology and personnel. And last month, we reached a watershed agreement with the Port Authority that will give the NYPD a clearly defined role in security at the World Trade Center site, and preempt potential turf wars.

The lack of specificity of who is responsible is the single greatest threat, I think, to making sure that your intelligence services don't perform the functions that they were. It is a difficult political thing to do, but it's exactly what you have to do in advance. When something happens, it's much too late to try to adjudicate between different groups that think that they have responsibility and don't coordinate.

So far, we have committed more than \$70 million in city and homeland security funds to this Lower Manhattan Security Initiative. Radiation detectors and the police department's heavily armed Hercules Teams have already been deployed. Eventually, some 3,000 public and private security cameras will be trained on this area and relay images to a new computer center. We also plan to install license plate readers at all the bridges and tunnels coming into Lower Manhattan.

Some have compared our effort to the City of London's Ring of Steel, as they call it. An extensive web of cameras and roadblocks that help police over there identify the suspects in the 2005, tube bombings. But the Lower Manhattan Security Initiative, I'm happy to say, aims to do much more than that.

For instance, we are testing new software that can analyze the feeds from thousands of different cameras and pick up suspicious movement, like a car that repeatedly circles a city block, or someone who puts down a bag and then walks away.

The point is, this is more than just a tool that police can use to respond to an attack, it's something we hope will prevent the attack in the first place, and stop terrorists before they reach their targets.

In New York, we understand that preventing terrorists and responding to any large-scale emergency, also depends on smooth coordination among key federal, state, and city agencies. And we've assigned more than 125 of our police officers to the FBI/NYPD Joint Terrorism Task Force, including three in Washington DC. And the result is genuine two-way information sharing that I think is unique in America. Commissioner Kelly will be here later and you can talk to him about that.

But we have nothing but good things to say about the cooperation that we're getting in Washington. It's a two-way street and we are certainly trying to help whoever we can. Such excellent cooperation notwithstanding, however, the federal government, I think, does need to do more to protect our city.

For example, we are looking to the FBI to make its own counter-terrorism program more effective and more aggressive, as called for by the 9/11 Commission and others. Also, time and time again, I think we've all seen huge sums of Homeland Security funding that could have been used to bolster our defenses, instead, treated like political pork and doled out to communities that either don't need it or don't know what to do with it when they get there.

The stories are legion, about people buying equipment that just gets parked in a garage, there's no reason for it. One senator did tell me one time, son—he kept pointing and sticking me in the chest with his finger—he said son, this country has to eat. And if they attack our corn crop we're toast. I don't think toast, necessarily, is made out of corn, probably more wheat, but nevertheless, this guy was actually serious.

Now there are dangers to this country. All over this country there are natural threats, there are domestic threats, there are farmland threats, and we have to decide

where the threat is the most likely and concentrate our resources there.

Now while this is going on, I think it's fair to say that New York does have enormous needs. We've been attacked before, we've been targeted many times, and we remain in the crosshairs, and all our needs go wanting.

From the start, I've urged that Homeland Security funding be distributed based on terrorism risk alone. I have publicly renounced any agricultural aid for New York City, and I think it will be just fine if the corn area that the senator was representing did a complimentary thing and renounced terrorism funding. I talked about threat-based funding when I testified before the 9/1 Commission, and I was pleased that members of the commission incorporated many of our arguments into their recommendations.

Now to the credit of Homeland Security, they have begun moving some of their grant programs towards a system of allocating funding that gives greater consideration to threat and vulnerability. Michael Chertoff, has a very difficult job in the real political world, and he is trying to do what's right. But I don't think that we are there.

The problem is that it's a system, which gives greater consideration to every kind of threat. Even if they're trying to concentrate monies where the threats are, there are different kinds of threats. There are hurricanes and chemical spills, and plagues of locusts, you name it. The result is that the special characteristics, which set New York apart as a unique and unparalleled target for terrorism, often get completely overlooked.

And on top of that, the total amount of Homeland Security funding, requested by the administration and appropriated by congress, has been declining. This simply cannot continue, not if we're serious about preventing another attack. At the same time, we have to keep working with congress and the Department of Health and Human Services, to fix the distribution of bio-terrorism preparedness funding, which is allocated essentially, without risk of terrorist attack.

Because of the anthrax episode in 2001, New York is one of only a handful of places in the nation that's ever experienced a bio-terrorist attack. Yet, in fiscal 2008, we received \$2.72 per capita, putting us an incredible 21st, out of the 54 eligible states and cities. What makes the situation especially challenging is that the total pool of bio-terrorism

funding that's distributed across the nation, continuously falls short of the actual needs of our country. And combining these two facts threaten to severely hamper or hamstring our efforts to protect New York City, as best as we possibly can, from bio-terrorism.

We, for example, monitor 60,000 different data points every single day, 365 days a year, to try to spot bio-terrorism. They don't ring a bell when somebody launches a bio-terrorist attack. It is something that is hard to detect, harder to define where it came from, and we cannot do anything about it until you, after the fact, know where it's coming from. It's the surveillance that really matters in bio-terrorism.

One potential casualty of our state-of-the-art bio-watch surveillance system, which monitors the city air quality for the first signs of anthrax, smallpox, and other dangerous agents, is that it's slowly being stripped of its funding. And every minute counts in a bio-terrorist attack. We simply can't continue to undermine the system that will warn us of an attack, before it is too late to save lives.

Finally, we'll continue challenging congress to increase funding for another key part of our defense, and that is the Department of Homeland Security's, Securing the Cities Initiative, which Police Commissioner Kelly will discuss in more detail later on.

New York is actually a pilot site for this program, which involves a multi-layered ring of sensors that can detect radioactive nuclear material before it enters the city. Detection devices are strategically placed in New Jersey, Connecticut, and Upstate New York, as well as at major entry points into Manhattan. But in the yet to be passed, fiscal '09 appropriations bill, we are still \$10 million short in federal funding, from fully implementing this program.

And it's not just New York City that is getting short-changed, since we're acting as the test site for other cities. The longer it takes for us to get it right, the longer it will take before this system is rolled out to the rest of the country. We can't afford to nickel and dime the best hope we have for preventing the worst possible calamity. The explosion of a nuclear device can cost thousands of lives, devastate our economy, and plunge us into further conflicts overseas.

We just have to take this threat seriously. And for us to do that, the federal government must take New York seriously and provide the resources we need to protect what is clearly the terrorist's No. 1 target. This is no place for politics, and hopefully, this hearing will begin the process of creating a system that more fairly and equitably attends to the security of New York City and our entire homeland. And I appreciate the opportunity to address you and I'll be happy to take any questions you might have. And welcome to New York.

CHAIRMAN GRAHAM: Thank you for your welcome and for your very insightful comments, Mr. Mayor. We are going to organize the questioning with lead questioners, who have been prepared to probe what they feel are the most significant issues to our final report. The lead questioners on this panel are first, Commissioner Tim Roemer, then Commissioner Rademaker.

COMM. ROEMER: Thank you, Mr. Chairman for the time. Mayor, thank you for your time. You're very generous to be with us this morning; extremely generous with your time, to go down to Washington DC, where I last saw you, where you testified.

MAYOR BLOOMBERG: Pleased to be invited.

COMM. ROEMER: And where you tried to work congress into making some changes. You were eloquent and tough on them, which they should be-

MAYOR BLOOMBERG: [Interposing] I'd prefer it if you'd use the word, effective.

COMM. ROEMER: Well, I'm not sure we're there, yet, mayor. I wish you would have been more effective, because I agree with you on trying to do some things about trying to change the way the Homeland Security Department and congress puts this funding formula together so that it is based on risk, vulnerability, and intelligence; not on pork barrel spending where they can buy Kevlar vests for dogs, and air conditioned garbage trucks, and not really set up the layered defenses that we need in this country, in places like New York City, where we know it's a target.

Nobody needs to remind you, mayor, that New York City is in the cross hairs. Seven-years ago yesterday, this city was attacked by Al-Qaeda; 3,000 people died. I remember going to Ground Zero days after the attack and having one of your emergency workers describe to me, watching people jump

from buildings. And this guy looked like not much could affect him, but he was probably 65-years old and tears streamed down his cheeks, and he said we're doing all we can. But it wasn't quite enough when they attacked us.

I have three questions for you, as it relates to this new commission. One is, something you and I both are working to be more effective on; how do we change this funding formula? And try to give me an example of how New York City would more effectively use federal dollars that they might take from my home state of Indiana—which they probably should—to prevent an attack on New York City. And it could be a bio or a nuclear attack. What are you not doing today that those federal dollars could help you do?

Secondly, on information sharing you talked about how you're becoming more and more effective here, and I'm glad to hear that. I think we need to do a better job all across the country, in this area. How can we improve both the vertical and the horizontal information sharing, not just pushing information up from New York City police officers and the information gatherers to the federal level, but also New York City to L.A., or best practice, from New York to Chicago?

And third, and something that I think you're quite good at, is how do we engage the public in this effort without scaring them into saying there's nothing we can do? This is such an horrific problem, how do we engage New Yorkers and Americans to be part of the solution and help us solve this problem, rather than scaring them so much with a nuclear catastrophe, that they say there's not much I can do.

MAYOR BLOOMBERG: Let me address the third one first. When I first came into office, we started these different teams of heavily armed police officers, who would show up at different locations at different times, unexpectedly. And I thought, oh, my goodness, they do this in Europe, but Americans aren't ready for this kind of a message and they will be scared. And I think our experience is quite the reverse.

When you see 50 or 75 police cars, literally, 50 or 75, going down a street, lights flashing, all together, that is one of our practice drills to make sure that if we had to marshal resources in any one part of the city at any time of the day, in any kind of weather, we've done it before and we know how to do it. We know how to get the resources together and coordinate them and provide traffic control,

and all of that sort of stuff. When the police officer's heavily armed or in the subways, or just on a street corner, people seem to feel comforted rather than threatened.

I think Americans are realistic about the dangers that we face in the world, and they would prefer to know that something is being done. In America, unlike in lots of other places in the world, we view the police department as our employees and our allies, and that they are there to help us. Sadly, in many parts of the world, the police are the enemy. That's certainly not true in New York and I don't think it's true in the rest of this country.

The stories are legion of somebody standing on the street corner with a map, totally lost and having that police officer come up to them and say, excuse me, I'm from the New York City Police Department; may I help you? And I've heard that story for the last 10-15 years. Again, friends of mine from overseas; they just can't quite get that, it's so unique. And to us it's what they should be doing, and in fact, they do that.

I've always had a problem with funding, in the sense that I don't know how I could possibly explain to our citizens that I didn't take a step, buy a piece of equipment, hire somebody, train somebody, go through a drill, that I thought was necessary to protect the public, because we hadn't been funded from the federal government. So we tend to go and do it first, ourselves. Now people say, oh, New York is a high tax state. Yes, that's why we have very low crime.

We have a police department that costs us \$5.5 billion annually, but we make this city safe. And it comes out of the taxpayers of New York City's pockets. When we need equipment, Police Commissioner Kelly has the authority to go and buy the equipment. And that's not to say that we don't have a limitation; we clearly do. We have budget problems like everybody else. But what we try to do is first hire the people, buy the equipment, do the drill, and then go to Washington to see if we can't get—what I think is a federal obligation—fulfilled, and have them pay for it.

The problem is, the federal government has the policy of never paying for something that you've already bought. And also, the federal government has a policy of never paying for operating expenses. If you want to keep us safe, equipment's great. I am a big believer in technology from my private days and from what we've been able to do in the

city. But in the end, education is putting a brilliant, well-trained teacher who cares, in front of a kid. Policing is putting a police officer there, boots on the ground, or firefighters, well-trained, great equipment; but you need the firefighters.

And so we've gone and done these things in advance and the federal government—it's very difficult to get some funds—

COMM.ROEMER: [Interposing] Mayor, is there something on interoperability that you would buy that you don't have, at this point?

MAYOR BLOOMBERG: We test again, and again, and again. We have an Office of Emergency Management run by Commissioner Joe Bruno, who, along with Commissioner Kelly and Commissioner Scoppetta [phonetic], of our fire department. We train and we test—you'll see them on Saturday mornings, you'll see them in the middle of the night. We have tabletop exercises, we marshal equipment, we make sure our radios are totally interoperable. The kind of steps you want—you don't want every firefighter talking to every police officer.

One of the problems with information is not having too much information. If everybody's talking, nobody can get through, and we've had problems with that as well, incidentally. And we constantly learn every day, every time there's a mistake, every time there's a tragedy, we write—we do an extensive evaluation of what we did and how we could have done it better. And one of the recommendations out of this terrible tragedy we had in the Deutsche Bank building where two firefighters were killed, was too many people were talking on a radio at the same time.

But we do have, what we think are all of the appropriate communication devices and one of the things we've done is, in advance—we have something called, SIMSA Situation Management, where we have, in advance—and it was controversial and we got beaten up all the time and every union fights because they want to expand their territory, and every commissioner fights for their group—but we have exactly specified in advance who's responsible in every single situation that we can imagine.

And then we have the senior staffs of all of the agencies work together so they're friends, on a first-name basis. And the jealousies that normally in the governmental world of different funding streams and different political lines,

doesn't really exist. Our firefighters and police officers work together. They show up hundreds of times a day at the same-together. And whenever we have--since we've put that in, I don't think there's one case where there's really been a disagreement, and if there has been, we worked it out right away and made sure that it doesn't happen again.

COMM. ROEMER: Thank you, Mayor.

MAYOR BLOOMBERG: Thank you.

COMM. ROEMER: I'll follow up on the information sharing with Commissioner Kelly.

MAYOR BLOOMBERG: Good.

COMM. ROEMER: Thank you.

MAYOR BLOOMBERG: Thank you, Tim.

CHAIRMAN GRAHAM: Steve.

COMM. RADEMAKER: Thank you, Mr. Mayor, for your excellent testimony. And I'm sure all my fellow commissioners join me in commending you and the police officers and the first responders who work under you, for the outstanding job they've done since 9/11.

MAYOR BLOOMBERG: I prefer to refer to them as first preventers, because in the end, that is the job. But, yes, they are great responders.

COMM. RADEMAKER: I'll accept that correction, happily. The Energy Department has a program to stop illicit transfers of nuclear material across international borders, in places like Georgia and Kazakhstan. They call it the First Line of Defense. And as I sit here and listen to your testimony, I'm struck by the fact that you and those first preventers, here in New York City, are the last line of defense. And between that First Line of Defense and the last line of defense, we have other lines of defense. And most of those lines of defense are the responsibility of the federal government or international partners, and we sincerely hope that we succeed at those various lines of defense, in preventing any use of weapons of mass destruction by terrorists, here in New York, or anywhere else in the world.

But if those other lines of defense fail, then it falls to you and these first preventers. And my main question to you is what do you see as the principle--what do you need most, from the federal government, to succeed here, at the

last line of defense? You've talked about money, and I'm sure that's part of it, but is there more to it that you need-

MAYOR BLOOMBERG: [Interposing] Money just helps us do our level. And you're right, it's the last line of defense; it would be great if it never got to us. And I think that one of the things that is most worrisome, when we talk about keeping weapons of mass destruction out of this country, we have failed abysmally at keeping drugs out of this country. Drugs are one of the main problems that every city has--society has--throughout the world, and we have a porous border that defies description.

Our immigration policies, which I've continually criticized, don't let us pick who comes here, and we certainly don't have enough visas to bring in the people that we need to keep our economy going and keep science here. But, basically, people that come here come across porous borders.

Guns in the street in the hands of criminals. Congress has passed laws that prevent criminals from having guns, and yet, they are very easy for criminals to get and our kids to get, and sadly, the murder rate across this country is terrible. Even in the most safe cities, like New York, which is 15th safest city out of 250 cities of 100,000 population or more, we still have a murder rate ten-times what you'd see in Europe.

So you go into this, thinking it's very hard, and if we can't do it in some areas, why do we think we can do it in others. Nuclear weapons do have the advantage that technology may very well be able to spot something emitting radiation, although if you encase it in lead, there's no radiation. And I think we should step back and say at a federal level, why is the operations of government so poor that we can't do the basic things that we need in controlling our borders?

We spend an enormous amount of money. Sometimes, I think you can argue that money is the root of, not all evil, but the root of inefficiency, when every time there's a problem you throw more money at the problem. There is never an incentive to cut the programs that don't work, or to demand accountability. We tried that with education, where we throw dollars and don't raise standards. We try that throughout this country.

Legislators basically can vote money, that's what they do.

And we should do a better job of holding each agency responsible. That's more an executive branch function. We try to do it at the city level, our governor tries to do it at the state level, our president tries to do it at federal level. But I can't give you a great deal of comfort to say that I'm confident the federal government will be able to keep weapons of mass destruction from entering.

Do you want to know what they should be doing and how to stop it? You start out overseas—

COMM. RADEMAKER: My real question is what can they do to help you succeed here at the last line of defense?

MAYOR BLOOMBERG: Overseas, you identify where the sources are. You build relations—I suppose that's the CIA's job—overseas, and try to stop it at its source. You find out who has plans to steal a nuclear weapon from an unguarded supply from the Cold War, have, as part of the intelligence effort, developed relations among the shipping communities. None of these things can be done by themselves. They require large numbers of people. When you have large numbers of people, invariably, there are leaks. You just have to be intelligent enough to listen.

Keep in mind, if you go back to seven-years from tomorrow, we did have people who went and learned how to fly airplanes and said I don't need to learn how to land it. I mean there was a lot of intelligence then, about potential threats, and yet nobody listened. And that's—I get back to—technology is wonderful and you certainly want to use it, but it requires boots on the ground, speaking the language. The number of foreign language speakers in our federal security agencies is abominably low. They couldn't possibly—Al-Qaeda could publish papers saying we're going to attack and they wouldn't know about it, because they can't read it.

We've tried to solve that problem here, and I'm not suggesting it's easy. I've been taking Spanish lessons for five-years and you ask me to tell whether—there's two guys, one with a gun, one on the ground—I can't figure out which is which. But that's what they've got to do.

And so it's developing intelligence overseas and working with foreign governments; our relationships with foreign governments is critical. Sometimes we have elected officials, or potential elected officials, who are campaigning on closing our borders. The last thing we want to do is cut off a supply of foreign language speakers and

people from around the world who can help us fight terrorism, who knows what goes on in the old country.

It is absolutely critical that we keep our trade agreements going, because otherwise we're not going to be able to use the other governments to help us. And we can't have the kind of intelligence network we need, in somebody else's country. We need the other country to help us.

CHAIRMAN GRAHAM: Steve. Thank you very much, Steve. We're only going to have time for one question from the balance of the commissioners, Commissioner Ambassador, Wendy Sherman. Wendy.

COMM. AMB. SHERMAN: Good morning, Mr. Mayor, and thank you for your excellent testimony. I want to push on something that Congressman Roemer raised, and that is talking to the American public, which you do very forcefully, eloquently, and in a common sense, straightforward way.

Tomorrow, the world's attention will be back on New York and Washington DC, as we mark seven-years of 9/11. Many people would say that the country has become complacent, that they don't see this, really, as a threat. They feel terribly and horribly for the tragedy of seven-years ago, but in a great deal of the country, and here in New York, and in Washington as well, people are worried about whether they can hold on to their house, whether they can get their kids to school, whether they can get rid of the crime in their backyards, or the drug use of their kids. They're worried about whether they'll ever be able to take a vacation again, because airline travel is so difficult, in part because of extra security and the cost of oil.

So how do you speak, not only to New Yorkers, tomorrow and the days ahead, but to the rest of the country, about where this threat stands. In the midst of everything else that Americans have to deal with, what role they should take, whether they should put up with random bag checks, whether they should continue to understand why they can't have liquids at the airports, and have to go through even more intense searches.

How do you talk to the American public about the reality of this threat, how, as Senator Talent said, is this large but not this large, how they should engage in it, how they should participate and whether it's real in the breadth of everything they have to deal with in their lives.

MAYOR BLOOMBERG: Ambassador, I think you accurately described normal human behavior. The further away we get, the less we remember, and there are always new things that keep us going. And in the end, for the average person, there's only two things they care about, housing and jobs; my house, my job. That's the real world.

But that's what we have government for. That's what we have leadership for. It is the government's job not to find out what people are thinking about and then pander to them. It's the government's job to find out what people should be thinking about and to lead them in that direction. That's what we are sadly lacking in this country.

You have to be able to explain to the public why they should take money out of their pockets, which they would like to use to improve their quality of life, and make long-term investments, whether it's infrastructure, or in security, or in the kind of investment in education, even if they don't have children in public schools. And there's no easy answer, other than that word leading from the front, leadership.

It's the president's job to do it. I think it is congress' job to do it, it's the governor's job, and the local legislators, and mayor's job, and there are people doing it. I think, you know, you look around this country—Ed Rendell, governor of Pennsylvania, and Arnold Schwarzenegger—and I'm thrilled to be joining with them to work on infrastructure.

Nobody wants to go and raise their taxes to build a sewage treatment plant, or to build another water tunnel, or to work on a computer system that would make airline travel be more efficient. And yet, we all complain when the sewers back up and the water isn't there for our crops, or our factories—or maybe down the road—to drink, or when we get tied up at the airport.

I don't think there's any easy solution. I don't think that the public really has a problem with things like bag searches; I think the public does understand. And the leadership required to get them to go through the checkpoint and not find it so offensive, is balanced by the fact that in the end, they mostly see that as, you're doing something for them; you're protecting them. So they almost want it. It's annoying, but they'll live with it.

But the big problem is the investments in the long-term things, and there are those who say somebody else should do

it. There are those that say well, it's not necessary now. The fact that you didn't die yesterday, doesn't mean you shouldn't have had a life insurance policy. And we've got to make sure our schools are good enough so that people coming out of school understand that.

And we've got to make sure our leaders are wise enough and have the courage to stand up and deliver the bad news that you have to make long-term investments, that you have to pay for them; that the payback may never come, or may come to future generations when you're not going to be around; and that there are either/or choices that we have to make.

I have riled continuously, for the last year, on the presidential candidates. Everybody's in favor of motherhood and apple pie, but nobody's willing to say how they would deliver it, who's going to pay for it, and as importantly, what other things we can't have because we have motherhood and apple pie.

And so I think, you know, the problem is us and government, that we're not willing to do that. Whether it's because we've become so partisan, whether because we've become so selfish, I can't give an answer to that. But I think it's incumbent on the voters to try to elect people that will do that, and that's not just at a federal level, and not just the executive branch, it is all through government. There's no secrets here; we've had enough think tanks; we have enough ideas; we need to implement them and we need leaders.

And taking a poll and deciding where you stand is not what leadership's all about. It's not what built this country and I am a big believer that the best days for America are in front of us. It would be sad, however, whether it takes tragedies to get us to put ourselves in that position. There's the old story that you should learn by experience, but you shouldn't experience everything; you should learn by other people's experience.

And you're going to see tomorrow, when we are down below, building a memorial, it's to remember those we lost and to give their families some solace. But it's mainly as a lesson instruction for those in the future. This is what happened here; it could happen again. Democracy is fragile; we didn't pay attention.

And we can sit around and look for who was responsible. We all know that the government process is not going to do that. And I, personally, don't even think it's terribly

valuable. I just think we should say what we did wrong regardless of who did it and make sure that we don't do that again; and that we are forward thinking enough to constantly question everything we do and see if there aren't better ways to do anything, even if it costs money, even if it costs jobs, even if it moves programs from one area to another. Thank you very much for having me.

CHAIRMAN GRAHAM: Mr. Mayor, I thank you very much and if I could say, I think you are a genuinely wise man. And you have informed us and I think the American people are about the character of the challenges and the character of the leadership that will be necessary to confront those challenges. But the good news, as you say, is that it is something within our hands and within our capabilities to do.

MAYOR BLOOMBERG: Senator, thank you. If I could convince my daughters that I was wise, I'd be in great shape. Thank you.

CHAIRMAN GRAHAM: Our next panel on the nuclear threat, Senator Sam Nunn. Senator Nunn, a senior member of the United States Senate, who is now co-chairing and is the Chief Executive Officer of the Nuclear Threat Initiative, and one of the most articulate voices on the issue of nuclear threat; and Dr. Matthew Bunn, an associate professor at the Kennedy School of Government, at Harvard. Dr. Bunn is the co-principle investigator of the Project on Managing the Atom, and issues an annual report on how well our nation is doing in restraining the nuclear threat. We are very fortunate to have these two gentlemen.

Again, as we had with Mayor Bloomberg, we will have two lead questioners and those will be Commissioner Graham Allison and Commissioner Henry Sokolski. Senator Nunn.

SENATOR NUNN: Mr. Chairman. Thank you very much, Senator Graham and Senator Talent, and members of the commission. I know how much time, energy, and effort it takes to be on a commission like this and to spend the number of hours, both preparing and writing the report, and then advocating the report. So I thank each of you. I think each and every one in America should be grateful to you for the time and the effort you are making on this important subject.

I'm pleased to offer you my sense of the nuclear dangers we face, and also some of the things I think that are imperative that we do to address them. Any sound strategy

of national defense must be built around an effort to reduce the greatest threats, and certainly, the nuclear and the biological, in my view, are both in that category. This requires not just understanding that the greatest threat we face is a nuclear attack, but also understanding the many ways in which a nuclear attack may come about, and the trends that increase the likelihood of that kind of attack.

I guess I'm motivated by continuing to ask myself two questions. What is it after the day after a major attack on an American city, a bomb going off in an American city. What is it we would wish we had done to prevent it? And the second question is, why aren't we doing those things now? I think that basically summarizes my motivation, because we can all imagine the day after, but we somehow don't seem to be able to muster real serious national efforts and international efforts, until we've had the crisis. In the case of nuclear, I think we've got to change that historical truth.

We have important efforts underway to reduce nuclear dangers and we have, I think, a number of important successes. It's important not to overlook the successes, and we have had some. Matt Bunn is the real expert on both what we've achieved and what is yet to be done. So you can certainly probe that with him. I won't go into the successes today, but there are some.

But the risk of a nuclear weapon being used today, in my view, is growing and not receding, and the storm clouds are gathering for several reasons. First, terrorists are clearly seeking nuclear weapons. There can be little doubt that if they acquire a weapon, they will use it. These are not people seeking weapons for deterrents, they are seeking weapons for use.

There are nuclear weapons materials in more than 40 countries, and at the current pace it will be decades before this material is adequately secured or eliminated, globally. Russia has the greatest quantity of nuclear weapons as well as materials, but Pakistan, in my view, is the greatest danger, because of the great instability in that country. The know-how and expertise to build nuclear weapons is far more available today, because of an explosion of information and an explosion of nuclear commerce throughout the world.

The number of nuclear weapon states is increasing, as we all know. A world with 12 to 20 nuclear weapons states will be immeasurable more dangerous than today's world, and make it

more likely that weapons, or materials to make them, will fall into the hands of terrorists with no return address.

With the growing interest in nuclear energy, a number of countries are considering developing the capacity to enrich uranium to use as fuel for nuclear energy, but this would also give them the capacity to move quickly to a nuclear weapons program if they choose to do so. So right at the top of the agenda, in my view, in the next few years has to be stopping the emerging proliferation of enrichment, which is coming fast and furious. Not just Iran; Iran is the lead edge, but also a number of other countries on the waiting list. And they're not waiting long.

Meanwhile, the United States and Russia continue to deploy thousands of nuclear weapons on ballistic missiles that can hit their targets in less than 30-minutes, encouraging both sides to continue a prompt launch capability that carries with it an increasingly unacceptable risk of an accidental, mistaken, or unauthorized launch. Though we are certainly not approaching the confrontational nuclear dangers of the Cold War era, any military tensions between the United States and Russia, as we've seen recently, increase the risk of accidents or mistakes.

The bottom line, the world is heading in a very dangerous direction, both leaders and citizens here and abroad must reflect on what is at stake. If Al-Qaeda had hit the Trade Towers with a small, crude, nuclear weapon, instead of two airplanes, a fireball would have vaporized everything in the vicinity. Lower Manhattan and the financial district would have been ash and rubble.

Tens of thousands of people would have been killed instantly. Those who survived would have been left with no shelter, no clean water, no safe food, and very little medical attention. Telecommunications, utilities, transportation, and rescue services would be thrown into chaos. That would have been just the physical impact.

If you were trying to draw a circle to mark the overall impact of the blast, in social, economic, and security terms, the circle would be the equator itself. No part of the planet would escape the impact. People everywhere would fear another blast. Terrorist groups everywhere would claim they had a weapon and try to extort that opportunity.

Travel, international trade, capital flows, and commerce would initially stop, and many freedoms we have come to take

for granted would quickly be eroded in the name of security. The confidence of America and the world would be shaken to the core, and certainly, our economic system would suffer immensely. These dangers are threats that every country faces; no country can defeat on its own. We are in a race, Mr. Chairman, between cooperation and catastrophe.

With growing nuclear dangers like these in mind, George Shultz, Bill Perry, Henry Kissinger, and I, published an op-ed in January, 2007, in the Wall Street Journal, that called for a different direction for our global nuclear policy with both vision and steps to immediately begin to reduce nuclear dangers. The threats have changed, we need new strategies, we must change direction to reduce reliance on nuclear weapons ourselves, as well as encourage others to do so and we must ultimately have a goal of ending them as a threat to the world.

I believe that one of the best ways to describe the threat, at least from my perspective, is to lay out a few of the imperative steps that we must take to reduce the threat, and I'll do so in very abbreviated form.

We must change nuclear force postures in the United States and Russia, to greatly increase warning time on both sides, and ease our fingers away from the nuclear trigger. We must reduce, substantially, nuclear forces in all states that possess them. We must move towards developing cooperative multilateral ballistic missile defense in early warning systems, which will reduce tensions over defensive systems, which will also help prevent a renewed offensive buildup, and enhance the possibility of progress in other areas.

We must eliminate short-range tactical nuclear weapons, a difficult task, but we must begin with accountability and transparency between the United States, NATO, and Russia. We must bring the Comprehensive Test-ban Treaty into force in the United States and other key states. We must secure nuclear weapons and materials around the world, to the highest possible standards, as Graham Allison has made very, very clear, over and over again, and certainly all of you are familiar with his book on the subject.

We must develop a multi-national approach to civil nuclear fuel production. We must phase out the use of highly enriched uranium in civil commerce, and we must halt the production of fissile materials for weapons. We must enhance verification and enforcement capabilities. We have a long way to go here.

We must build the international political will to deter, and when necessary, to strongly and effectively respond to countries that breach their commitments. Here is one of our biggest tasks. We must redouble our efforts to resolve the regional confrontations that increase demand for nuclear weapons. We all know that's true in Asia, we know it's true in the Middle East, we know it's true continually, unfortunately, in Europe.

So this is the long pole in the tent, but it takes constant effort on our part and the part of leaders around the world. Each of these steps will help reverse the spread of nuclear weapons. Each step will reduce the use of nuclear use. Each step will require an inspire greater cooperation. And each step will help build a foundation of cooperation and trust among the United States, Russia, China, and all nuclear weapons states, as well as increasingly important, the nine nuclear weapons states.

Each step backward, for instance the recent Russian/Georgia conflict, as well as the lack of any apparent progress on U.S./Russian missile defense cooperation, makes the job harder and longer, but also makes the job even more evident and more essential.

Strategic cooperation must become the cornerstone of our national defense against nuclear weapons. This is not because cooperation gives us a warm, fuzzy feeling of community, but because every other method will fail. I have concluded that we cannot defend America without taking these steps. We cannot take these steps without the cooperation of other nations. We cannot get the cooperation of other nations without the vision and the hope of a world that will someday end these weapons of mass destruction as a threat to the world. And I've come to that view over a long period of time, and slowly, but that's my view today.

I also believe that this same logic applies to other nations around the world. The use of a nuclear weapon anywhere, will affect every nation everywhere. Vision and actions must go together. Without the bold vision, the actions will not be perceived as fair or urgent. Without the actions, the vision will not be perceived as realistic or possible. This will be a challenging process that must be accomplished in stages.

The United States must keep its nuclear weapons as long as other nations do. But we will be safer and the world will be safer, if we are working toward the goal of de-

emphasizing nuclear weapons, keeping them out of dangerous hands, and ultimately ridding the world of them.

In closing, Mr. Chairman and Senator Talent, let me give you a quote that I have used a number of times but I think is worth repeating, by former President Reagan. Nearly 20-years ago, President Reagan asked an audience to imagine that, "all of us discovered that we were threatened by a power from outer space, from another planet." The president then asked, "Wouldn't we come together to fight that particular threat?" After letting that image sink in for a moment, President Reagan came to his point. "We now have a weapon that can destroy the world. Why don't we recognize that threat more clearly, then come together with one aim in mind. How safely, sanely, and quickly, can we rid the world of this great threat to our civilization and to our existence?"

Mr. Chairman, Mr. Talent, our generation must begin to answer that question and I think you for your role; very important.

CHAIRMAN GRAHAM: Thank you, senator. Dr. Bunn.

DR. BUNN: Thank you, Senator Graham, and all the members of the commission. I want to join Senator Nunn in thanking you for your work on this very important subject. It's an honor to be here today, to talk about what I think are one of the most critical threats to our nation's security. I endorse all of what Senator Nunn said, about the broader nuclear threat. I'm going to zero in on the particular threat of nuclear weapons in the hands of terrorists.

My message is basically simple. I think this is a real possibility, but I think it's a preventable possibility, and there are actions that we can take that can drastically reduce that risk. Indeed, the next president, I think, has an historic opportunity, with a sustained leadership and a credible plan, and with sufficient resources, I think that the next president could reduce the risk of nuclear terrorism to a fraction of its current level, even in the first presidential term.

And the proof of the potential for reducing the risk, is the progress that's already being made, as Sam mentioned. There are thousands of bombs worth of material that has been permanently destroyed and will never again pose a threat to humankind, as part of the U.S./Russian Highly Enriched Uranium Purchase Agreement. There are scores of sites where

the security is demonstrably, radically improved, compared to what it was 15-years ago. There are dozens of sites that no longer have any nuclear material at that site, to steal.

These represent, in a very real sense, bombs that will never go off. And I think we owe a debt of gratitude to all of the hundreds of men and women who have struggled to make that happen.

Nonetheless, there remain major gaps in our efforts. There is today no binding global standard that says if you've got a nuclear weapon or some highly enriched uranium or some plutonium, this is the minimum that you have to secure it to. Most of the highly enriched uranium that the United States itself distributed to other countries over the decades, we have no plan to take back or to otherwise remove and destroy. And I could go on.

I think, with all due respect, Mr. Chairman, that the good/plus rating that you offered in the press the other day, is not yet justified. I hope that it will be justified after this commission makes its recommendations and those recommendations are implemented.

Now let me talk for a moment about the facts that frame this danger. First, as we've heard, Al-Qaeda is seeking nuclear weapons and has done so, determinately, over a period of years. Secondly, unfortunately, repeated government studies have conclude that if terrorists could get the requisite nuclear material, it is potentially within the capabilities of a sophisticated terrorist group, to make at least a crude, nuclear bomb.

It's a very different thing from making a safe, reliable, weapon that can fit on a missile or be delivered by an aircraft, that a state would want to have in it's arsenal. It's a very much simpler thing. And unfortunately, Al-Qaeda's reconstitution in the mountains of Pakistan, increasing the risk that they would be able to manage that kind of complex operation.

Third, some of the stockpiles of this material remain dangerously insecure. We have seen multiple cases of real theft of real weapons useable in nuclear material. The most recent significant seizure was in Georgia, in as recently as 2006. Every country where these materials exist has more to do to make sure that they are secure, as the recent incident in our own air force, make clear. Most recently, among other things, in a security inspection in Minot, a nuclear

guard playing video games on his cell phone while on duty.

But I think three categories of these stockpiles stand out, in my mind, as posing the highest risk. First, Russia; Russia has the world's largest stockpiles in the world's largest number of buildings and bunkers; security that has improved dramatically over the last 15-years. There are stockpiles that 15-years ago, were in the equivalent of a high school gym locker with a padlock that could be snapped with a bolt cutter from any hardware store, that are today in secure vaults behind heavy steel doors.

Nonetheless, significant weaknesses, under-funding, poorly paid, under motivated, and poorly trained guards, and deep corruption, remain in the Russian nuclear establishment. Most recently, for example, earlier this year a colonel in the Russian NVD [phonetic], was arrested for soliciting bribes to overlook violations of security rules at the closed nuclear city of Schneitz [phonetic].

Corruption not only in Russia, but in Pakistan and other countries around the world, is a fundamental issue that has to be addressed. It greatly adds to the dangers to security.

Pakistan is another top priority risk, in my view. They have a relatively small stockpile, believed to be heavily guarded. But it faces immense threats, both from insiders with extremist sympathies, and a demonstrated willingness to sell practically anything to practically anyone, but also from potentially, huge outsider threats. This is, after all, Al-Qaeda's world headquarters.

There were at least two cases during President Musharraf's [phonetic] reign, when serving Pakistani military officers worked with Al-Qaeda, to come within a hair's breadth of killing the Pakistani president. If the people guarding the president can't be trusted, how much confidence can we have that the people guarding the nuclear weapons will not cooperate with Al-Qaeda in a similar way?

Finally, there are still some 130 research reactors around the world that use highly enriched uranium as their fuel. In many cases, they have almost incredibly modest security in place. In some cases, literally, a chain-link fence, a night watchman, and at least some cases of which I'm aware, an unarmed night watchman.

Much of this material is in forms that would require some

chemical processing for it to be used in a bomb, but it's not processing that's likely to be beyond the capabilities of a group that would otherwise be capable of making a nuclear bomb.

Given these vulnerabilities, the next fact that frames our danger is particularly distressing, and that is that nuclear smuggling is very difficult to stop. The amount of material that is required for a bomb is small. The amount of radiation it releases is modest, and particularly in the case of highly enriched uranium, it is easy to shield. In particular, it's worth remembering that the detectors that we're installing all over the world and at our own borders, would not be able to detect highly enriched uranium metal, with even a modest level of shielding, nor would the advanced spectroscopic portals that are now proposed.

The immense lengths of our borders, the myriad routes across, and the immense legitimate traffic that goes across them every year, all conspire to make the smuggler's job easier and our job more difficult.

What, then, must we do? It seems to me these facts lead directly to an inescapable conclusion that we need to act quickly to secure nuclear stockpiles around the world. I submitted to the commission a 12-step program for reducing the risk of nuclear terrorism, so I'll be very brief in summarizing that here.

First, we need a broad, integrated effort to reduce the risk, but there's one part of that effort that really is the choke point, and that is controlling the nuclear material and making sure that that doesn't fall into terrorists hands. So the first thing we need to do is launch a fast-paced global campaign to lock down every cache of nuclear weapons of plutonium highly-enriched uranium wherever it may be; whether it's a rich country or a poor country. That needs to be a top priority of our diplomacy, something to be addressed in every country that has stockpiles, to secure our resources to help at every opportunity.

We need to work out effective global security standards so that all countries where these materials reside, are committed to protecting them against the kinds of threats that terrorists and criminals have shown they can pose. We need to drastically expand our efforts to consolidate these nuclear stockpiles in fewer locations so that we can achieve higher security at lower costs. That means we need a broader set of approaches and incentives to convince

countries to give up the HEU, and send it away to secured locations elsewhere, to convert research reactors that don't use highly enriched uranium any more, to shut down unneeded research reactors. We have no program today, to give unneeded research reactors incentives to shut down and allow their site just to be users at another reactor, elsewhere.

We need to radically step up our efforts to convince policy makers and nuclear managers in other countries around the world, that this is a real threat and it's a real threat to them, deserving of their time and resources. Many of them are not convinced of that today. If they stay unconvinced, we are not going to succeed in these efforts.

And all of this is going to be difficult. The easy things have been done already. There are deep secrecy, national sovereignty, complacency, political, and bureaucratic impediments to getting this job done. It's going to require sustained leadership from the top, and as we heard from Carrie, this morning, one of the first things we need to do is make sure that we have somebody in charge of all of these efforts to prevent nuclear terrorism. Someone who is in a position where they have the president's ear. I believe it has to be a Deputy National Security Advisor in the next administration.

We need a comprehensive plan to address these threats that we then modify as we go, that's prioritized. Now we have lots of individual plans, or dozens of different programs, and we need to assign the resources to make sure that no critical program that really offers promise for reducing the risk of nuclear terrorism, is slowed, just because it doesn't have enough money to get its job done. And with that, I apologize for going on so long. And I will stop and answer questions.

CHAIRMAN GRAHAM: Thank you, Dr. Bunn. Commissioner Graham Allison.

COMM. ALLISON: Thank you very much, and thank you both for your time today. It's a great honor, actually, to have the chance to sit on this side of the table with Senator Nunn, having had the opportunity to testify to him when he was chairman of the Senate Armed Services Committee.

CHAIRMAN GRAHAM: I was always very polite and nice to you. [Laughter]. I asked easy questions.

COMM. ALLISON: You were always extremely nice and I was

honored to be there, and I'm honored to be part of this today. I'm with my colleague, Dr. Bunn, whom I agree with, greatly. I want to drill down in two areas, which are areas where we're trying to think about the commission's report. And what I'm particularly interested in is to get your bottom-line judgments. So one area has to do with the seriousness of the threat of a nuclear 9/11. Here we are a day before the anniversary of the 9/11 attack. How serious is the threat of terrorists like Osama bin Laden, getting a nuclear bomb and devastating the heart of a great city like New York, with a mushroom cloud. That's one area to drill down.

And secondly, the question which is, are we safer than we were seven-years ago, from a nuclear terrorist attack, or alternatively, are we at greater risk. That requires a complex net judgment. But let me start with the first one and drill down, just for a second, just for your bottom-line judgments.

When Bob Gates, the Secretary of Defense, is asked about this, he says—and we put this in the fact sheet that was handed out, and this is in this year—"Every senior leader, when asked what keeps you awake at night, he says it's the thought of a terrorist ending up with a weapon of mass destruction, especially a nuclear weapon." So we have some people who say, well, maybe this is not so serious a threat; others who say this is the single most serious threat. At this point, as you think about it, how serious do you regard this as a threat for the U.S., today?

SENATOR NUNN: I think it's deadly serious. I believe that you have to look at the stakes involved and you have to put a matrix up, showing the consequences versus the likelihood. If you look at the likelihood, then in my view, the likelihood of a chemical attack, the likelihood of a conventional explosion, the likelihood of a radiological weapon, the likelihood of an anthrax attack, is substantially more than the likelihood of a nuclear weapon going off in a major city.

But if you look at the consequences, my matrix comes out and says if you take consequences and likelihood and affect, that this explosion in an American city has to come out No. 1, because of the stake. And I tried to make that clear in my testimony. This would not just affect the immediate vicinity; that would be the moral atrocity. It would be a terrible tragedy; it would be horrible in every aspect. But

it would shake the whole global economy. It would shake the confidence of people all over the globe. It would be very hard to preserve the freedoms that we have been blessed with in this country.

Security in almost every country comes first, particularly when people have a vivid sort of demonstration that they're not secure. So I'd say, in answer to your question, No. 1) I think it's very, very serious, and I think in addressing the least likely of these type of events, that is, a nuclear detonation, we also are addressing a lot of others, like the radiological. So I do not think you clearly separate that. I think we have to spend a lot more time on radiological than we are spending on it, because I think it's more likely.

And I also believe that we need to play—and I hope one of your recommendations is—we play some war games and get the news media involved, so there will be an understanding in the public, the difference between a radiological weapon—which is not likely to kill many people, but can poison a district—and a nuclear detonation, which would, of course, be devastating.

Because if we're not careful, a radiological weapon, which is more likely; if it goes off we may react in this country as if a nuclear detonation had wiped out one of our cities. And that would have tremendous consequences in the energy field; 20% of our electricity is nuclear power, whether you're for it or against it, and I'm for it. You have to say what are we going to do to replace that 20%, if basically, we have a panic in this country on the nuclear equation?

So that's the way I would sort of view the seriousness of it. I think it's very serious. In terms of safer or greater risk in the last seven-years, I'd have to categorize that. I hate to not be able to give you a yes or no, I know that's the way we like to think in the political world. But I think it's pretty clear we've got nuclear material under better control. It's under better control in the former Soviet Union, it's under better control, particularly in Russia.

Kazakhstan has gotten rid of virtually all of their nuclear material. I took my foundation board of directors over there. We helped them get rid of the last 26 bombs worth of highly enriched uranium; that is being blended down. Belarus still has supplies, but they have gotten rid of

their weapons, and Ukraine has gotten rid of their weapons, although they still have some supplies.

So you have to say, in the last 15 to 16-years, we've made a lot of progress. I want to give Sam Bodman and also Will Tobey at the Department of Energy. We almost never give people credit. They're working hard on this GTRI; they still have a long way to go. Their list isn't as inclusive, so when they get through with their target list, they really aren't through. Matt makes that pretty clear, but they're making progress and they're working hard at it. And there are a lot of people in DOE and DOD that are working hard.

We've made progress in the material area, but if you look at the overall trends; if you look at the increased number of nuclear weapon states; if you look at the India/Pakistan equation; if you look at the deterioration of stability in Pakistan; if you look at the basic number of countries that are getting ready to enrich if the Iranians enrich; if you look at the Iranian problem, which we have not come to an answer to; overall, I think the world situation is storm clouds are gathering.

I think the situation is worse than it was seven-years ago, but that's not to say or in any way diminish the fact that we have made progress. The PSI Program the administration sponsored is a good program. The recent Sochi [phonetic] Declaration between U.S. and Russia was an amazing expression of partnership, although when it came down to the crunch, it didn't seem to have much effect on Russia and Georgia, and our ability to prevent that or to deal with it.

When you look at the overall U.S./Russian leadership on the Global Organization to Prevent Catastrophic Terrorism, I think that's a very positive sign. When you look at Libya, the fact we've rolled back their nuclear program, that's very positive. So it's not one of those things where I think thoughtful people should say yes, or no. I think it's a mixed bag, but overall, I think we're in more danger because of the trends in the world, notwithstanding a great deal of progress on nuclear materials, and yet, we have a lot more to go in every category.

DR. BUNN: I have hardly anything to add to what Sam just said. I believe also that it's a very serious threat because of the huge consequences. If you assume Graham, that you are too high, by a factor of ten, in your estimates of the probability, it remains the case that if you believe as I do, that if it does happen it's most likely to happen

either in Washington or in New York, it remains the case that it's likely enough to greatly effect the life expectancy and the probability of death for everyone who lives and works in either Mid-Town Manhattan or downtown Washington.

That's a sobering calculation to do. I'd like to compare it to a nuclear power plant, upwind of a major city. No one would, in their right mind, would operate such a plant if it had a 1 in 100 chance every year, of blowing sky high. Everyone would understand that that risk was much too high. And yet, I believe the risk that we're imposing on the whole world, in a sense, is probably higher than that, by the way that we're managing nuclear weapons and materials in the world today. So I think we have—I think the risk is unacceptably high today and there are steps that we can take to reduce it.

Now contrary to the piece in the New York Times yesterday, I don't believe that this is the only problem or the only thing that the next president needs to do, to be a successful president. Nor do I believe that preemptive attack is the key tool for reducing the risk, as that piece also argued. Certainly, if we find hard evidence of a nuclear terrorist plot underway and we know where it is, we should preempt it.

But the reality is, for seven-years we've been unable to find Osama bin Laden and Ayman al-Zawahiri. I think it's very likely that they will hide their nuclear effort as well as they have hidden themselves. And we have had, in Iraq, an instructive experience as to the risks and costs of relying on preemption or prevention as a policy tool.

I would argue that one of the results of our attack on Iraq is to inflame a sufficient degree of anti-American hatred in various places that we probably increased rather than decreased, the overall nuclear terrorists risk by making it easier for Al-Qaeda to recruit some of the people they might need, or to raise some of the financing that they might need.

So overall, I'm with Sam. I, too, would compliment Sam Bodman and Will Toby on the remarkable work that is being done. I think that nuclear material, particularly in the former Soviet Union, but also in a number of other countries around the world, is very much more secure today than it was on September 11th, of 2001. In my heart of hearts, I think that at least on the nuclear terrorism part of the overall nuclear

risk, that it's lower today than it was on September 11th of 2001, for that reason and because of the substantial disruptions we've imposed on Al-Qaeda's central command in the years since then. But I worry about the re-constitution of that central command.

SENATOR NUNN: Thank you.

CHAIRMAN GRAHAM: Dr. Allison...

MR. SOKOLSKI: We're under time constraints.

DR. BUNN: Sorry for such long answers.

MR. SOKOLSKI: You're not. Let me just say that, like Graham, here, I sat 120 hearings behind you, Senator Nunn. I once sat next to you and testified, but I never thought you'd be on this side of the table, and it's a little odd for me. I don't know how you find it. I could get used to it.

SENATOR NUNN: I hope we'll both enjoy it. [Laughter].

MR. SOKOLSKI: Yes. Well, okay. Let me do the following: there is one question I really want to have on the record here, and I want Senator Nunn to answer it. And that'll be the first question. It's going to involve India. I'm going to ask the questions—we'll let the clock run out—but could I ask the Chair that the answers that they would have liked to have given, be sent in and put into the record? Because there's just no way we'll be able to get through all this. I just don't—but I do think the one question I have, he'll be able to answer.

First, let me comment that I think the testimony Senator Nunn gave, about problems worrying about unauthorized use, accidental use, miscalculation, with regard to the Russians, I assume, applies if—as he points out—they're spread to other countries—10 to 20—it becomes immeasurably more dangerous. For what it's worth, I worry a lot about that. That's the other mandate we have, the P mandate, not the T mandate. And I'm glad to see you clarify that.

Also, Dr. Bunn, I thought your comments on the policy problems and your critique of the policies of U.S. handling of highly enriched uranium are encouragement, I think, of way too much reprocessing of plutonium abroad. And your comments about sabotage and standards is something I recommend to the public to look at. I certainly found it very, very useful to see in testimony. Now to the four

questions.

First, the last time we had a private conversation, Senator Nunn—and I think it only happened once, so I can remember it very vividly—it was about India. You have been consistent in your criticism of the U.S./India nuclear deal, and that its approval without much clear restraints on India's weapons program would only increase the prospects of more nuclear arms racing with Pakistan, something that Pakistani military has publicly confirmed that it's going to set off an arms race. And it would set a bad precedent that would undermine nuclear strength, globally.

Now the minority and majority staff on the hill have told me that because the currently negotiated deal lacks any clear language requiring the U.S. to cut off assistance if India resumes testing, because India has so far failed to give IA a specific listing of the reactors that were placed under safeguards, that it's clearly in violation of the Hyde Act. This brings me to my question. How important do you think it is for congress to uphold the law and the letter of the Hyde Act?

Maybe I could take that question if it was brief, if not, I can just go through the other questions. You tell me what your preference is.

SENATOR NUNN: I think any law that's passed by the congress needs to be upheld. That's the general approach that we have to the rule of law. So without any question, that law ought to be upheld, or it ought to be changed, one or the other. And it was puzzling to me the administration basically argued against—in the Nuclear Supplies Group argument—against the Nuclear Supplies Group passing a law similar to what—or at least a regulation of that group—similar to what we had as the law of the land.

It leaves us in a position so that if India were tested, they would - - testing. If they did test, they would violate the law of the United States, but they would not violate the Nuclear Supplies Group, which means every other country would have a right to trade with India, is our understanding, including France and Russia, except the United States. I find that bewildering, and I think we were in a rush to get an agreement with India.

I think an agreement with India, overall, in the long-term, is in our national interest, if it is a good agreement. I think this was not a good agreement. I thought we should

have addressed the fissile material production, continue to basically start supplying India with fuel oil so they can divert their own fuel to make more bombs. And looking at what's going to happen in reaction to Pakistan, it seems to me the spiral is just going to go. I don't see how it's avoidable. Maybe it is.

The way I would seek to avoid it is to get China involved and to try to have talks between the United States, Pakistan, and China, and perhaps even at some point, Russia. But I really see that we're going to be in real difficulty. And I think the motivation for this agreement was primarily economic, and I understand the economic motivations, I understand the American companies that want to sell.

I do not believe it's in the interest of non-proliferation and I have a very hard time squaring it with what our other priorities are in the world, in terms, particularly, of Iran. I do not know how we deal with the Iranian thing successfully, not just with Iran itself, but with all the other countries that are affected by this, with the precedent of the Indian deal. So I am negative on it; I was negative on it; I've spoken out against it; I've written articles against it, all to no avail. But that's where I am.

MR. SOKOLSKI: Well, sometimes when desperate times occur, congress does desperate things like enforce the law. We'll see what happens. Here are the other questions.

CHAIRMAN GRAHAM: Henry, could I suggest that you submit the three questions. Why don't you pick one of those questions for a verbal answer.

MR. SOKOLSKI: Okay. And just submit the others. Okay. Not a bad idea. Here's one; in your testimony Senator, you praise the blending down of 500 tons of highly enriched uranium into non-weapons useable fuel, which now powers half of our reactors from Russia. Admittedly, a major accomplishment; 20,000 weapons worth of material, by some calculations, has now been rendered safe, if you will, or safer.

That leaves 1,200 more tons, which you did not discuss and I think the question I have is, you have someone on your board whose name is Pete Domenici, and he thought that maybe we should perhaps make the further penetration of our market by Russia, contingent on them at least blending down, or committing to blend down that other material. Does that

make sense? By the way, this has the unusual quality of not costing anything, so it may be a seditious idea, but I'm curious to get your thoughts on that.

SENATOR NUNN: I certainly agree with Senator Domenici's goal, and he's of course, one of my dear friends. I'm not sure the best way to go about it is the way he has suggested. I really believe it's in the Russian's interest to make economic conversion out of that material and to convert it to low enriched uranium and to sell it on the market.

And this is one of the reasons I felt that the 123 Agreement was important. I understand why the administration's withdrawn it, because it has no chance of passing now. But that gave the chance for real civil cooperation with the Russians, not just in this area, but also in the spent fuel area. I think it's as much in our interest as Russia's.

And I think in this period of great frustration with the Russian invasion of Georgia, we've got to be very careful that we don't think we've got leverage when whatever we're doing hurts us more than it hurts them. We've got to be very careful about that. There's a tendency, as the old cartoon goes, with the Marx Brothers—not Karl, but the Groucho crowd—where the thug's coming across the room and he holds a pistol to his head and says you take one step closer and I'll pull the trigger. That's generally our tendency to react. So I think we've got to be very cautious here, in terms of the way we react to this.

But nevertheless, I think all the material we can blend down, the more we can blend down, the better. I think it's in Russia's interest and I think it's in our own interest. We ought to be doing that all over the world, so I support the goal Senator Domenici talked about.

MR. SOKOLSKI: Let me reassure you on one count, legally. We can import more fuel from Russia without a 123 Agreement, and I see nods from Dr. Bunn. So this is one area where you can work, even without the agreement.

SENATOR NUNN: Yeah, I agree. But economics comes into play here, too.

DR. BUNN: Let me just add to what Senator Nunn said, the Nuclear Threat Initiative, that he leads—has been pursuing with Russian colleagues a study of what would it cost and

what time would it be involved and so on, to actually blend down much larger quantities of Russian ETU; that study is almost completed. As part of that study, I've written a fairly detailed analysis of things we could do to give the Russians the incentive to agree to blend down much more highly enriched uranium, and I'd be happy to submit that for the record.

I just wanted to second Senator Nunn on the need to be careful, and how we react to inappropriate Russian behavior in Georgia and elsewhere. It's clear, U.S./Russian relations are in a huge downturn, but we need to remember that this is a country sitting on a huge stockpile of nuclear weapons and a huge stockpile of nuclear material. And it is in our vital national interest to maintain enough cooperation with them to cooperate with them on making sure those materials and our materials, and materials around the world, are under secure control.

We should remember that President Reagan, who was after all, no slouch at standing up to the Soviet Union, negotiated most of the SALT Treaty while Soviet troops were still in Afghanistan. He understood how to, on the one hand, stand up for what was appropriate to Soviet behavior; but on the other hand, build the kind of partnership with Gorbachev, that he needed, to get that arms control negotiation moving. And we need to have that kind of wisdom today, I think.

SENATOR NUNN: If I could add just one thing, Graham Allison's been on two different panels; I was on one of them with him about distinguishing and pointing out America's vital interest, and distinguishing between the vital and the important, and the emotional. And I believe that we are at that juncture now. I think it's very easy to lose track of one's vital interest, and I think this panel can make a major contribution in that regard. I think there's a tendency to react to the vivid rather than to think about the vital. The vivid is always easy to react to, and that's what all the compelling forces political point toward, but usually it's at the expense of the vital. So I think that Mr. Chairman, you all have a real opportunity here to make a difference on that.

MR. SOKOLSKI: Well, I highlight this point because you can proceed with this part of blend down without a 123, without spending money—and I suspect from what I've done in the way of polling, with republican and democratic support—so it

could be a bridging event that might be useful.

SENATOR NUNN: I agree with that completely. The only footnote I'd add to it is we've also got to have Russian support.

MR. SOKOLSKI: Say again?

SENATOR NUNN: It's got to have Russia's support. And that gets into a lot broader picture and a lot more considerations, including 123, and it also includes the economics of the equation. The Russians, rightly or wrongly, in many cases wrongly, feel that on the last deal, they got the short end of the market force shaft. And I don't think—I think they want to give us a lecture on free market economics in terms of their approach to how they're going to sell their low enriched uranium.

CHAIRMAN GRAHAM: Senator Nunn and Dr. Bunn, thank you very much. We have time only, I'm afraid, for one question from the other commissioners. Is there another question for [crosstalk]. Rich.

MR. RICHARD VERMA: Dr. Bunn. In something that you've testified before to congress, and written about, regarding nuclear terrorism and nuclear plots; you said that the best chance to stop a nuclear plot lies not in exotic new detection technologies, but in more traditional counter-terrorism strategies. You talked about reducing the hatred of Americans and trying to do more to kind of drain the swamp, as they say. Can you talk a little bit about that as it relates to nuclear terrorism and what you meant in that regard?

DR. BUNN: Sure. Again, the vital checkpoint is the nuclear material, but then there's the whole range of other steps on the terrorists pathway to the bomb. And I think that as I said, this is going to be—a terrorist nuclear plot would be one of the larger, more complex terrorists operations that has ever been carried out. Although, U.S. intelligence officials have testified that the footprint might be no bigger than the footprint of the 9/11 conspiracy, and therefore might be as difficult to detect, as the 9/11 conspiracy.

But, it's going to require financing. We're doing much better now on trying to stop terrorists. It's required millions of dollars; that's an indicator that we might be able to see. There's probably going to be statements about

it; that's an indicator that we might be able to pick up on and do something about. They may well seek to recruit knowledgeable people. Again, that's something we ought to be working on preventing.

At the moment, even within the community of the, sort of, worse, violent Islamic extremists, there is actually a major debate underway on the moral legitimacy of slaughtering civilians. And while I think our government is not in the best position to engage in that debate with them, because they don't listen to what we say, nonetheless, I think there is an opportunity to work with, not only governments, but NGOs and so on, in the Islamic world; to make clear that whether it's the Islamic tradition or any other religious tradition, there isn't a religious tradition out there, under which slaughtering civilians on a nuclear scale is legitimate, by anybody's standards.

And I think by building that consensus in the Islamic world, it may be possible to make it more difficult to get that millionaire to give you the money you need, to get that guy who knows how to machine highly enriched uranium to agree to join their plot. You're not going to convince Osama bin Laden or even Ahmad al-Zawahiri, but I think there are a bunch of the support network people that you can make it more difficult for them to draw on and that that may be a more hopeful avenue than lots of advance spectroscopic portals, in my view.

CHAIRMAN GRAHAM: Dr. Bunn, Senator Nunn, thank you very much for your excellent testimony and comments. This will be very helpful as we consider our report and recommendations.

MR. RADEMAKER: I thank all of you, very much.

DR. BUNN: Thank you all of you.

SENATOR NUNN: Thank you.

CHAIRMAN GRAHAM: Ladies and gentlemen, it is now 11:11. I suggest we take a recess until 11:20, and we will recommence with the panel on--with the biological panel. Thank you.

[PAUSE]

CHAIRMAN GRAHAM: Call the meeting to order. Our next panel is going to be focused on the biological threat and again, we are fortunate to have two excellent commentators on this

issue. Tom Brokaw was a target of the most serious biological attack that we have had in American history, and he brings that personal narrative and the recommendations that come from that experience.

Dr. Margaret Hamburg is current with the Nuclear Threat Initiative, but has previously been the Commissioner of Health of this great city, and has an enormous background in the science of preventing and responding to the biological threat.

We are very appreciative that both of you are here, and as we have with the previous panels, we will have two lead questioners; Commissioner Robin Cleveland and Commissioner Rich Verma. Mr. Brokaw.

MR. BROKAW: Thank you, Mr. Chairman. Let me say at the outset, this is an unusual situation for me. I'm generally used to asking the questions, not answering the questions. [Laughter]. But I thought it might be helpful to the panel and to others who are interested, if I were to give you what you described as a personal narrative of the experience that we had at NBC, when we did become the target of an anthrax attack.

Let me say at the outset that I'm appearing here today as a journalist, as a citizen, as an employee of NBC news, but also as a very dear friend of two people in our office, who were subjected to cutaneous anthrax as a result of handling a letter that was addressed to me. I hope, by the end of my remarks that there will be something instructive in all this. I'm sure that you'll share my conclusion as well, if my narrative is unsettling, even now, seven-years later.

First of all, I think it's important that you understand that this letter arrived in what I describe as a culture of chaos. Not just because it was a newsroom, because we'd been under attack in this country, and there was a great unsettled feeling, not just at 30 Rockefeller Plaza, but throughout the City of New York and the environs, and across the country.

I think that's important because any biological attack or nuclear attack, for that matter, will create chaos. And we have to make very difficult decisions in that kind of a culture. We can go through these exercises and hear testimony in these kinds of quiet rooms, and contemplate the consequences of it. But I can assure you that what you'll learn in the course of my narrative is that we were doing

this on the fly. It was like changing tires on a truck going 90-miles an hour and trying to figure out which tires fit on which wheels, and trying to keep everything moving in the same direction.

I brought with me a calendar so that you can have a sense of both the frustration and the length of the ordeal that we went through. So far as we can tell, now, stitching it back together, the letter was postmarked on September 18th. We think it arrived in our office the next day, the 19th, or 29th. Memories are unclear on that.

A young woman opened the letter in the outer part of the NBC newsroom; it was her assignment as a news desk; it's an entry-level position. She opened the letter; a lot of granular material spilled out of it. She swept it into a waste basket with a plastic lining, and then sent the letter on to my assistant.

And incidentally, for the purposes of this narrative, they shall go nameless. In the case of my assistant, she's always cherished her privacy. The young woman who opened the letter in the front of the newsroom has written about her experience, but I'll leave it to her to describe her own ordeal.

The letter arrives on my assistant's desk, because I was so busy with what I was doing, and she was so good at what she did, she decided not to bother me with it because there were a number of those kinds of letters that we were getting. Some of them were threatening, others were typical off-the-wall kinds of mail that we would get on a daily basis. Some of them were pretty suggestive, in terms of what they thought should happen to me for any remarks that I may have made on the air.

My assistant was the wife of a New York City policeman, so her security radar was probably a little higher than a normal executive assistant would have. She set the letter off to the side; I saw it, maybe on the second day. And as I walked by I said, well, if you think he's going to threaten my life, he could at least be grammatical; it was a pretty crudely written letter. I picked it up, looked at it, put it back down.

What I didn't know at that time—and this is now, I think, the last week of September, around the 24th or 25th—what I didn't know at the time is that she had also opened another letter—my assistant—and some white powder had spilled out, and she was

immediately suspicious of that. So she sent that white powder on to the NBC security detail.

And by the end of the third week, the last week in September, my assistant said she wasn't feeling well and she went home. Again, she didn't bother me because she knew I was so preoccupied. I was operating on a 24/7 cycle.

The following week, the first week of October, one of the NBC security people stopped me in the hallway and said you know, that white powder that we tested for you, it's negative. And I said what white powder? And they said, well, your assistant gave us this white powder and it's totally negative.

In the meantime, my assistant is not feeling well at all; kind of flu-like symptoms; begins to develop a skin rash. The young woman who had opened the first letter was feeling even worse. She had swollen glands, she was told by her physician it was probably a reaction to a medicine that she was taking for an asthma condition, Accutane. She stayed at home for a couple of days.

We had no idea at that point, that she'd opened, what turned out to be the villainous letter. By the end of that first week in October, it's now been ten-days since my assistant handled the letter. She'd been on the phone to the FBI, to the New York City Police Department, and she's been to see a doctor. And everyone says to her when she raises the question, could this be anthrax; not a chance. No way.

I first began to learn that there is something called a brown reclusive spider that has a very similar footprint to anthrax, and she was told it might have been a spider bite. When I talked to her on Friday, the 5th of October, she was really exercised. She didn't feel that she was getting any straight answers from anyone. She was beginning to be concerned about her health and the reports of anthrax were out there, that had been described by the national news media and by public health officials.

She's at that point, however, on Cipro, so Saturday, Sunday, 6th and 7th, she's at home; we check in a couple of times. She said I'm feeling a little better; I'm going to come in to work on Monday. She comes in to work on Monday, the 8th, and she said I'm actually feeling quite a bit better. She goes into the restroom with two of her colleagues, that are good friends of mine. They came out; one of them came to me immediately and said this is a God-awful mess. It's a big scabrous mess; it can't be good.

I said to her, we've got to get additional medical care for this. She'd already been to see at least one dermatologist, at that point. Let me just also say, parenthetically, I think I've got the timeline right. My notes were destroyed when they cleaned out my office, it turns out. So on—I said, let's find Kevin Cahill, somebody Peggy knows well. He's a well-known infectious disease expert, who has operated a lot of his practice in the Third World.

He's in effect, our family doctor, because the Brokaws spend a lot of their time in the Third World, and we bring back these various conditions and he's been treating us for 25-years. Wonderful little Irish-American, missionary, sort of physician. On Tuesday morning, the 9th of October, I had an early appointment, called Kevin, and his assistant said he's on his way to NYU Medical School. I said he has to stay in the office; there's something very important to me. I'm sending up my assistant.

I got a hold of my assistant, who was already on the way at that point; goes up to see him. Kevin calls me that afternoon, the 9th, now we're now talking two, almost three-weeks after we think the letter arrived. And for the first time someone says to me, I can't rule it out. It could be anthrax; it looks like what I've seen in Africa before. I'm sending her to a dermatologist that I know and we'll get some biopsies.

Well, understandably, my assistant was in a meltdown phase. She has a toddler at home, she's been sent in every possible direction except the right one, for the last three-weeks, and she's—we know nothing about anthrax. You know, what the consequences could be, what it means in terms of having gone home. How much she might have carried in her clothing.

We sent her to the dermatologist and then I did something I've never talked about in public before. I opened up a back channel to Fort Detrick, in Maryland. We had been dealing with them some, and I talked to two uniformed officials at Fort Detrick, whose names shall remain anonymous for the purposes of this discussion. And I said to them, I need some help.

We're not getting any straight answers; you're supposed to be the leading authorities in this country, on biological warfare and weaponry. Could you talk to my secretary? And they said yes, we'd like to talk to her. We put her on the phone. They talked to her for some length about where she'd been the week before, and what it looks like, and what she'd

been through, and how she was feeling.

I got back on the phone with them and they said, you know, we don't think it's anthrax. We think it's a brown reclusive spider; it has the same characteristics. I said well do me an additional favor. If I get a biopsy to you will you test it for me? And they said, you know, that's not the business we're in; we work for the army. I said I understand, these are extraordinary circumstances and you'll be protected.

And they said okay; get us a biopsy. Make sure it's taken from a separate part of the scabrous mass from which the first biopsy was taken. So we sent those instructions to the dermatologist, we got two biopsies delivered to my office, we arranged for a motorcycle courier to meet an airplane in Washington, raced it out to Fort Detrick on Wednesday, the 10th of October. On the 11th of October, Fort Detrick called me back and said it's not anthrax. We don't have a match.

I was enormously relieved. I called my assistant who was still deeply suspicious that it could be anthrax, and was not utterly reassured by what she had heard from Fort Detrick. But I was enormously relieved at that point.

Early Friday morning I went out with my dog for a run, came back in feeling pretty good about life. I thought we're going to get through this; it had been an utter nightmare, mostly for those two women, to say nothing of the upheaval that it caused at NBC. Went out for a run and the phone rang at about 7:15 and the news desk said to me that Bernie Kerik, the police commissioner was trying to find me, and I thought, oh, my God. It's anthrax.

'Cause what I'd been told the day before is, the CDC lab had broken down so they couldn't get a test on the Thursday before [phonetic], when Fort Detrick could, and they'd worked through the night to try to get a reasonable read on all of this.

Simultaneously, while we're going through all this, there's kind of an unsettled feeling in the building, but we're confining it 'cause we don't want to cause undo panic. We're operating based on what we're being told by very authoritative sources. Well, when we're told that it in fact, is an anthrax attack, that they have cutaneous anthrax, all hell broke loose at 30 Rock.

There were no systems in place, no systems in place, with all due respect to our guests who are here today for the FBI. Rudy Giuliani had not even heard that we'd been suspicious that there might be an anthrax attack. He came storming into the meeting on the 52nd floor, which is, to this day one of the most dramatic I've ever been involved.

You can only imagine; we've got Jeff Immelt, he's been on the job for five-days, the CEO of General Electric; the head of the CDC on a conference call; the Speyer-Tishman representatives; me; Mayor Giuliani; Bob Wright, who was the President of NBC; and we're all operating on a basis of we don't know what's going on or what we should do next. No one had a clue about where we should go and how we should do it.

We did decide, on the spot, that we were going to have to clear out those offices and that there would be a mass inoculation of Cipro, and it turns out that I think tourists who walked by three-weeks earlier came in and got Cipro shots. I mean we were inoculating people for 36-hours and it was comforting up to a point, but it was also utterly chaotic.

I'm happy to say that the resolution of all this has been, for the two people that I care most about, is that they're going to live with this ordeal for the rest of their lives. It was a very hard, physical and emotional recovery for both of them. But they're at a stage in their lives where I think I can fairly say that they're moving on now, and their lives have been stitched back together. But I am confident that on this day they are thinking about their ordeal again, and wondering how close did I come.

In the case of my assistant, we completely cleaned out her house, completely took it down to the studs in the wall, threw out everything and had people come in and do that. And only after we were absolutely assured and it had been certified it was clean, she then moved out and the house went up for sale, with everyone knowing what the history of the house was.

In the case of the assistant, the person who was the news desk assistant, opened the first letter, worked for us for another couple of years, retired about a year ago, I guess, to go back to her family life in Massachusetts.

When I was preparing for this appearance here today, I thought let's see how far we've come. When Tom Ridge was

Secretary of Homeland Security, he came to New York, we had a private dinner meeting with Dan, Peter, and me, and a representative of CNN, about how prepared we were should there be another biological attack, or a dirty bomb of some kind. And we were questioned fairly closely by Secretary Ridge, who was new on the job and only been there about a month.

He said well, how much do you know about what you can put on the air? And I said, with all due respect, Mr. Secretary, that's your job. We're going to find out from you. And he said well, how do we get that to you? And I said well, how about a website? How about if you have a really sophisticated website, we put that on the air, we just go directly on the air with it.

So I thought I would check Homeland Security website before I came down here today. I typed in, anthrax attack. I got a keynote address by the Assistant Secretary of Health on the meaning of an anthrax attack; remarks by the Homeland Secretary, Michael Chertoff; testimony by a physician before the House of Representatives; testimony of an assistant secretary and chief medical officer about how a prophylaxis program will be initiated early, to reduce the economic impact of anthrax; I got almost no information that would be useful to me in that culture of chaos if I needed help to find out where I go, what it looks like, and what the next course of action should be.

It seems to me that just a fundamental tool would be a page with links I have of [phonetic] New York City; I think we've got an anthrax attack. Physicians, public health officials, and law enforcement officials who can respond to this. What does it look like; graphic pictures. You know, this is what cutaneous anthrax looks like; this is what the consequences should be. The public health guideline is, if there is a biological attack it may not be immediately obvious; are you in a group or area where authorities consider you to be in danger.

This is public health 101. when I was in the seventh-grade, this is what you do about good hygiene. This is not about addressing a real biological threat, which as we know could have far greater consequences than it did in our case; and in our case, it was tragic enough. So that's why I've broken my rule never to have testified before a commission like this or before congress, because I think it's urgent and I don't want it to happen to anyone else, given what we

went through. Thank you all, very much.

CHAIRMAN GRAHAM: Thank you, Mr. Brokaw. Dr. Hamburg.

DR. HAMBURG: Thank you, Senator Graham, Senator Talent, other commissioners and distinguished guests. I'm very honored to be here today, and humbled to share the witness table with a media celebrity like Mr. Brokaw.

MR. BROKAW: We'll try to get a media celebrity for you.
[Laughter].

DR. HAMBURG: I have been asked to address the current threat of bio-terrorism and how it's likely to evolve in the coming decades, given the rapid advances in the life sciences and the globalization of the biotechnology industry.

To focus on prevention—not so much consequence management, as we've been hearing about—and to examine strategies to prevent the proliferation of biological weapons and it's deadly conjunction with terrorism. My interest in bio-terrorism began here as health commissioner, during the 1990s. It was frightening to think about the many vulnerabilities that we might face, but it seemed mainly theoretical until the World Trade Center was bombed the first time. And then suddenly, the threat of domestic terrorism was real.

In retrospect, that attack, which was then so stunning seems like child's play compared to the attacks of 9/11. And for me, the juxtaposition of those two events serves a sobering reminder of the compelling need for action. Let us not have to make that same comparison in the biological realm. Our nation has now experienced it's first lethal act of bio-terrorism and it was a startling, chilling, and deadly series of events. Yet in some ways, we remain dangerously complacent.

Another attack could occur at any time, from many potential sources, and using many potential agents. Furthermore, the magnitude of such an attack could be far greater than what we've experienced. In the near term, conventional attacks may remain the most likely mode of terrorism, yet there are many reasons to believe that biological agents may be an increasingly attractive approach.

Certainly, they can produce large numbers of casualties, potentially on a scale to devastate whole cities, regions, and possibly the entire nation and beyond. Even without

large numbers, attacks with biological agents can produce enormous disruption, feelings of vulnerability, along with panic and terror, as people struggle to understand who is at risk and what can be done, as we've just so eloquently heard.

Outbreaks with contagious diseases that can spread person-to-person are even more frightening. Truth is, probably no single terrorist attack, no matter how terrifying, how horrifying and catastrophic, could threaten the very stability of our society and institutions in the way that biological weapons could, except perhaps, for a nuclear attack.

Yet, unlike nuclear weapons, biological weapons are relatively inexpensive, easy to produce, and significant damage can be done even in the absence of large quantities of material or an elaborate delivery system. Pathogens suitable for bioweapons can be concealed and transported with little difficulty, and bioweapons facilities can be hidden within routine research labs, pharmaceutical manufacturing sites, and even breweries.

Most organisms of concern are found in nature as well as legitimately studied in government, academic, and industry labs. For some, deliberate use of biological agents may have special appeal, because the delayed onset of its effects, make it easier to escape detection. Adding to the challenge is the fact that while extraordinary advances in modern biology and life sciences research, offer great hope to improve health and prevent disease. They also offer the tools, through malevolence, misapplication, or sheer inadvertence, to create new and more dangerous organisms as well as improve mechanisms for delivery.

Overall, the reality is that access to the materials and know-how to produce potentially very serious biological threats, becomes easier and more accessible every day. We know that Al-Qaeda is working to get these weapons. In fact, Osama bin Laden has described it as a religious duty. A rudimentary anthrax lab was found by U.S. forces in Afghanistan, but while that has been disrupted, the desire to pursue biological weapons remains intact.

In 2003, Al-Qaeda issued a Fattah, authorizing the use of biological, chemical, and nuclear weapons against non-Muslims, and in 2006, Al-Qaeda representatives called for scientists to join the Jihad to help produce WMD.

In theory, a wide range of biological agents could be intentionally used to cause harm. However, most focus has been on a subset of organisms felt to pose the greatest threat to civilian populations; anthrax, smallpox, plague, tularemia, viral hemorrhagic fevers, and botulinum toxin.

And while we largely think of bioterrorism as infectious disease related, the future of the bioweapons threat does not have to be so. Expanding insights into various body systems offer new opportunities to develop tool that will disrupt critical functions for life or behavior.

With advances in biomedical science, including synthetic biology, genetic engineering, genomics, and the like, the possibilities get much greater. The explosion of knowledge about the fundamental building blocks of life, and how to manipulate them, give new understandings of staggering and unpredictable power. Along with this comes the global spread of expertise and equipment to support biotechnology and biological manufacturing processes.

When you consider what nefarious things could be done with the tools of modern biology, the prospects are frightening. Examples include aerosol technology to deliver infectious agents more efficiently into the lungs, for absorption; gene therapy vectors that could cause permanent change in an infected person's genetic makeup; a stealth virus that could lie dormant inside the victim until triggered; or biological agents intentionally engineered to be resistant to available antibiotics, or to evade the immune system.

In emerging capabilities, the creation of new forms of life, de novo, using the techniques of synthetic biology, or maybe new classes of pathogens, like chimeras, that might combine the most frightening aspects of two organisms such as smallpox and Ebola, or so-called binary agents that only become effective when two components are combined. A disturbing example of this involves taking a mild pathogen that when combined with its antidoter treatment, would actually be activated to become highly virulent.

Some of this remains hypothetical, but several fairly recent studies have heightened concern. A: study by Australian researchers using mousepox [phonetic], is one case often cited where an inadvertent experimental finding laid out a potential recipe to make an already dangerous pathogen more lethal. The creation of polio virus, de novo, and more recently the 1918 pandemic strain flu, literally using DNA fragments and equipment ordered from catalogs, underscores

that the capabilities for intentional creation of biological agents for use as weapons will be increasingly available.

From a security perspective, the natural reaction is to try to figure out how to limit the kinds of research that may be misused or distorted in damaging ways. Yet, it's quickly apparent that while the potential for misapplication is extremely real, this same research holds enormous power for good. As it turns out, it's very difficult, if not impossible, to define dangerous science. And it's certainly impossible to monitor all aspects of research that might have destructive applications.

So the challenge must not be seen as how to stop the advance of dangerous science, but how to constrain the misapplication of scientific knowledge and capability without damaging the advancement of science. A similar challenge exists with respect to reducing access to dangerous pathogens and strengthening laboratory biosecurity. New measures in the U.S. have tightened access to biological material and the government's ability to monitor the transfer, storage, and use of certain agents.

But the recent charge that a government biodefense scientist was responsible for the deadly 2001 anthrax mailings, and got the material from a research lab, has brought renewed concern. These issues have become even more pressing with the rapid expansion of biodefense research that has occurred in response to the bio-terrorism threat. By increasing the numbers of facilities and people working with dangerous pathogens, it's almost inevitable that the risks for malfeasance or accident will enlarge.

Thus, it is not surprising that there's a growing sense of unease as to whether our current biodefense research policies and programs are creating new vulnerabilities. This must be addressed. A strong, well funded, and carefully developed research agenda is vital to our future security. Quality responsible research could provide us with the tools and countermeasures to diagnose, treat, and prevent many diseases, both naturally occurring and deliberately caused.

And if we develop the right armamentarium of effective countermeasures, it ultimately could reduce the attractiveness of biological terrorism, perhaps even eliminate biological agents as effective weapons of mass destruction or disruption. Yet, it's not unreasonable that questions are being asked about the scope of current

activities and the adequacy of oversight measures.

So what can be done? There are no easy or complete solutions to ensure adequate oversight of biosecurity, including the responsible stewardship of research activities, knowledge, and materials. Strategies will not mirror traditional approaches to arms control and nonproliferation. Success will require new systems of government and will require individual, community, and government-driven strategies.

Science is at once the practice and product of individual scientists, and the outgrowth of scientist-to-scientist collaborations. Important life sciences research today is as likely to occur in a private biotech company or academic lab, as in a government facility.

An effective approach cannot reflect a model based solely on top-down, government regulations and legal requirements. Meaningful solutions will require the full engagement of the scientific community and a mix of strategies including legal regulations, professional standards, and codes of conduct. And a fundamental shift in awareness and accountability about how science is done, the so-called ethos of science.

Moreover, none of the measures aimed at strengthening biosecurity and restraining the potential for misapplication of science will be successful if not taken on an international basis. In today's world, science is an inherently global enterprise, spanning sectors as well as nations. Scientific knowledge is rapidly disseminated, materials are widely available, and scientists train, conduct research, and collaborate across national boundaries.

Biotechnology is becoming an increasingly globalized field of endeavor, with new facilities, cadres of researchers, and sophisticated science springing up all over the developed, and developing, world. National initiatives are essential and we must continue to strengthen and improve our efforts, and encourage other countries to do so as well. But the lack of coordinated uniform international standards and guidelines creates gaps and vulnerabilities that undermine our common goals.

Realistically, we need a framework of laws and policies that are supported by scientists, agreed to by governments, and reflected in harmonized national policies and legislation addressing such areas as rules for access and accountability

for dangerous pathogens in labs; and registration and licensing of facilities working with these pathogens; standards for personnel screening and training; standards for physical safety and security at these facilities.

Technical assistance and support will be essential in making this possible, and to the greatest degree possible, biodefense programs should be transparent with sharing of information.

One last thought, in closing. It is clear that many aspects of the bioweapons threat defy traditional ways of thinking about prevention, deterrents, and non-proliferation. In this regard, as we consider the important steps needed to reduce or prevent the threat of bio-terrorism, it is essential to recognize that preparedness is, in fact, an important element of prevention. For a determined terrorist, limiting access to the tools of bio-terrorism may prove a near impossible task. Thus, we need a multifaceted approach.

We must begin before an event occurs, doing everything we can to reduce the capability and opportunity for attack. But even if we can't prevent an attack, we can prevent calamity through well designed and funded programs to enhance surveillance detection and early warning; research and medical counter-measure; development and stockpiling; mobilization of response, including public health control and medical care, and recovery.

The more effectively we are prepared to respond should an attack occur, the greater the likelihood that we can limit damage, save lives, control panic, and re-establish normalcy. This will reassure the public, reduce terror, and send a powerful deterrent message to those who wish to use biological agents as weapons of mass terror or destruction. Thank you very much, for this opportunity to talk with you about one important piece of the bio-terrorism challenge. And I will be happy to answer any questions you may have.

CHAIRMAN GRAHAM: Thank you very much, doctor. Commissioner Cleveland.

COMM. ROBIN CLEVELAND: Thank you. Thank you, Mr. Brokaw, for an extraordinarily personal, however harrowing, account. It serves the purpose that I think that we all agree on, which is to educate the public we need to understand better what happened to you and to your assistant.

And to that end, it seems to me that prevention and deterrents are improved if terrorists believe they'll be denied their objectives. And that in turn, turns on public confidence that we have health surveillance systems in place, that we have information available to the public, and that the response will be effective. You've describe a thoroughly harrowing scenario, as I said, where that information was not available.

On the other hand, there's a fundamental tension, it seems to me, that if you beat the drum of information constantly, you can be accused as a government, of fear mongering. Given your long history in evaluating the information and the impact of information on society, how would you strike that balance, in terms of how much information should be made available to the public on a regular basis? What kind of information might be made available, versus the caution that we've heard from some of our people.

MR. BROKAW: Well, in fact, that was a consideration of ours in the heat of the decision-making that we were doing at the time. I think it's fair to say, and with justification, that my assistant was a good deal more skeptical than the rest of us. But the information that she was getting was erroneous. We were inclined to believe that after three or four so-called specialists told us it was a brown reclusive spider, that in fact, it was a brown reclusive spider.

And at one point, I remember saying to my assistant, we have to act on what we know. Well, what we didn't know at the time is that we were being misled. Not intentionally, but through ignorance. I honestly believe if the public, especially in this information age, has an enormous capacity for sorting out what counts and what doesn't. And I think what they need, what the public needs, generally, is just reliable, authentic, official sources of information that are easily accessible to them.

They don't have to be described in hysterical terms, but there ought to be a way, in this world in which we live, that you can hit with two key-strokes and find out what cutaneous anthrax looks like. You know, and even do a color picture of it, if necessary; or these are examples you can find in medical textbooks and a lot of other places. Why not let the public know so that they don't call in with a mosquito bite and say I've got cutaneous anthrax.

The fact of the matter is that—for all the hysteria about what's going on, especially in the political arena now—our

inclination in journalism is to do public service and to provide people with the kind of information they need, in a non-hysterical, factual basis. But we also have to have access to quality information.

And the best way to convey that is through the wide reach of the World Wide Web, it seems to me, and to have far more sophisticated and in-depth sites available, either through public health services, or through the Homeland Security Department, or through the CDC. I didn't go to the CDC in this case, I went to Homeland Security, because we had initiated that conversation. It may exist there, for all I know. But there ought to be a simple gathering point.

COMM. CLEVELAND: I think there is information on the CDC website on anthrax. Senator Nunn, who preceded you, suggested that we involve the media in war games, in terms of planning scenarios for a nuclear event, and it would certainly pertain in the bioworld as well.

Given the media's view of its independence, do you think that government sponsored training for journalists, to prepare them for managing information flow in a crisis, makes sense? Should there be more formal or leave it as an informal...?

MR. BROKAW: Look, it's a tricky piece. It would be easy if this were physics and we can say x-to the-I don't want to get too deeply into physics, because that's why I'm in journalism, by the way. [Laughter]. But it would be easier there were a hard and fast formula, but there's not. And so what you need is to have a continuing dialogue.

I mean one of the concerns I have at our organization, and I'm confident this is true throughout New York City; tomorrow, it has been seven-years since the attack; our guard has been lowered a lot. You know, we don't have the bulletins that we once did and people are not thinking about it in the same way. So if something similar were to happen again, it would be improvisational response, for the most part; 'cause I don't know how good the systems are, still at this point.

So I think you do have to open a dialogue and raise the consciousness of it, and know where that line is that you don't go over, and in some false way, cause hysteria. I happen to think that it's possible. You can find out, as those members of congress who are sitting on the panel know, that if you're out there and you want to know about breeding

hogs or pullets, or anything else, you can go to the Department of Agriculture and get very sophisticated information about it. You can't, in this area, yet.

And I think that we can do it and you need to have more public intercourse about it, a greater dialogue, in which people are talking about it. But again, it's knowing where the line is and there's a great line in our business—we always say they keep moving that sucker. [Laughter]. So it's, you know, determined by good will on the part of journalists and local officials and federal officials.

DR. HAMBURG: Can I just add an additional thought on this. It is absolutely essential that there be systems for quality information in the midst of a crisis. And one of the great challenges—and it is actually a rule of physics that believes that there are alternative universes all going on at the same time—well, in a crisis there's alternative sources of information, and often there's a great deal of misinformation as well as sources of correct, accurate, and timely information. And so the coordination of getting the quality information forward and available, and letting people know where they can access that information, is very important.

It is also key to have information available before a crisis, because during a crisis, people don't hear well, they don't really integrate the information that they're hearing, and it's much harder to act in the appropriate and necessary ways. So while there is the concern about fear mongering, and there also has always been a tension about, if we talk about some of these issues will we be telling our enemies where our vulnerabilities are as well.

But I think it's absolutely essential that we work with the public, that we work with the media, with the full range of stakeholders and partners, in responding to a biological attack; and that we don't just give them information, but we actually plan together and practice what we plan, because you want to have as much understanding and as many reflexes in place, so that when that crisis event actually occurs, people won't be hearing about anthrax for the first time, and people won't be needing critical partners in response for the first time as well.

COMM. CLEVELAND: I can see PSAs on anthrax coming. Dr. Hamburg, can I ask you one question on—you said in your testimony that—

CHAIRMAN GRAHAM: [Interposing] Ms. Cleveland, could you lean into the microphone a little bit. Please? Thanks.

COMM. CLEVELAND: You said in your testimony that we need to work closely with the scientific community to reduce risks in ways that will be meaningful but not cumbersome. How do you see bringing the science community together to compass some consensus on what guidelines should be and then, more specifically, what kind of enforcement or what kind of body or mechanism can be put in place to make sure that both domestically and internationally, we have a common set of standards that improve biosafety and security?

DR. HAMBURG: Well, it is a huge challenge. Progress has been made and it has come in different ways from the scientific community mobilizing itself, to recognize and acknowledge the role it plays in reducing the risk, and it's responsibilities as stewards of good science. And that has taken time and we're still in the process, because most biomedical scientists believe they're wearing the white hats; that what they're doing is to prevent disease and to promote health.

And of course, that we're to go forward and to understand that there is this dark side to advances in medicine, is sometimes difficult to accept. But a lot of work has been done. Leadership has come from a number of scientific organizations and from a number of important studies that I could share with the commission out of the National Academy of Sciences, that have brought together experts in science and security, to look at how can we begin to define the critical areas in terms of research agendas, in terms of methods for securing pathogens in laboratory settings, et cetera.

Legal, binding, enforceable legal standards are important as well. And as I said on both a national and an international level, I think, with respect to issues like oversight of storage use and handling of dangerous pathogens; registration of facilities that work with dangerous pathogens; screening of personnel; requirements for ongoing training of personnel; all of those things we can develop guidelines that will improve the level of security. The danger is that many of the guidelines [that] have [been] [phonetic] done without full input of the scientific community can actually be harmful or just plain silly.

Early on, there was some legislation that was designed at getting at this question of acquisition of dangerous

pathogens. And the initial language made it a criminal act to have microbial agents for any reason other than legitimate research. And in effect, that would make having mold on bread in your refrigerator, a criminal act, and probably an even worse crime should you come down with the flu.

So, you know, it is important—that's the extreme—but in many ways, some of the present rules and regulations, some of the existing legal framework is disturbing to many scientists who feel that what it's effectively doing is just making it harder and harder to do research in the biodefense arena or with certain pathogens. But it's not actually serving to make science safer, because it certainly is not a guns and guards kind of solution.

CHAIRMAN GRAHAM: thank you, Madam commissioner.
Commissioner Verma.

COMM. VERMA: I know our time is short so I'll be very brief. And just one question for Dr. Hamburg and one question for Mr. Brokaw. Dr. Hamburg, there is a lot that we can and still should do in the area of regulations and international cooperation, and new rules and greater oversight. But a lot of what can be done in this bio area, can be done by the scientists themselves, and it requires a culture of responsibility in an ethos.

For example, intelligence gathering in this area is extremely difficult because often the programs are so compartmented and there's only a few people working on it. And you rely upon other scientists to basically report upon suspicious behavior or come forward with some details that the law enforcement community needs. Is the science community there? Are they ready to take on that responsibility, and if not, how do we get them there?

DR. HAMBURG: I think there is increasing recognition on both sides, the scientific community and the intelligence community, of the need for greater partnership. And it's coming along slowly. It certainly is at a much better place than it was when I first started working in this area.

But you have very different professional cultures, very different ways of doing things, and frankly, you know, considerable suspicion and misunderstanding about the ways in which these different communities work. But it is absolutely essential, when we think about the biological threat, that the intelligence community works more closely

with the scientific community and the public health community, because much, as you say, much of the information that is vital to understanding the threat now and the evolving threat, actually exists outside the intelligence community.

And the best way to access it is through connecting with the experts and gauging the scientists who know what's being done, by whom, and what the purpose of that work is. You also need much greater scientific expertise in order to analyze much of the information that comes into the intelligence community, to both collect and analyze.

And so within the intelligence community, we're seeing now, and I hope it will accelerate, a strengthening of scientific capacity and expertise. But also, efforts to reach out and form vital working partnerships with others outside the traditional intelligence community, and in particular, in the scientific community.

COMM. VERMA: Thank you. Mr. Brokaw, one of the things that you taught us, both in your work on TV and in your books, is lessons to be learned from history. And your books on The Greatest Generation were a gift to this generation and future generations, about the sacrifice and the service, and what went wrong and what went right during that critical period.

On the eve of this seventh anniversary of 9/11, as you look back over these seven-years, both since the attack on the country and the anthrax attacks, and living in this new era of terrorism, what are the lessons from this period for future generations? What have we done right? What have we done wrong? I know it's a big question, but we'd be interested in your views on what it is future generations are going to take from this period.

MR. BROKAW: Thank you for the opportunity to allow me to wander into a political minefield [phonetic]. [Laughter]. I suppose the strongest feeling that I have, for the last seven-years, is that the attack here in New York City, in many ways, congealed America. It brought us all together again. In a way that we had been divided up—I wrote another book called, Boom, about the sixties. One of the consequences of the sixties is that we became a very fractured nation, culturally, politically, and otherwise; with lots of interest groups bumping up against other interest groups.

But if you turn-hit the rewind tape on your memory of 9/11- we were all in this together, and what does it mean. And there's been a kind of drifting apart again, it seems to me. And I'm not talking about this presidential race. I've spent a lot of time in this country, out across the hinterlands. I grew up in the Great Plains, I spent a lot of time in the Rocky Mountain West, and just the nature of what I do, I'm in the Southwest, and in the Deep South, and there's a kind of regional interest in play.

And I think one of the lessons that we all have to have in the great success of our society and our nation, and our system of government, is that this immigrant nation has always been more than the sum of it's parts, for all that's considerable power. And we need to think again about that, and it has application to this threat. And we also have to remind ourselves that we live on a much more crowded planet that's much smaller now. And that we have an interaction that is required of us with cultures that we've not had in the past.

And I've spent a lot of time going around the world, there's enormous affection for the American dream, but there is a rising level of hostility as well, about our presumptuousness. And so I think those are things that we have to address and that I would hope that would come out of all of this. I could go on at much greater length, 'cause I've written about it some as well, but I think that a big part of what we're dealing with, frankly, is that we have to have a much more imaginative approach to cultural understanding than we have had. We've got to work harder at it.

If it were left to me, one of the things that I would do is, I would develop what I call the diplomatic social forces. We've got the finest military special forces in the world; I would create the diplomatic social forces that would be Peace Corp plus. I would take adventurous young people who want to serve their country, and there are an untold number of them out there, and get them great language training, pay them a premium salary, and let them work on hearts and minds in creating the bridges that are going to be required, for us to all go forward.

Look, everybody who saw the opening of the Olympics, I think it was a real attention getter for this country in a lot of ways. You know, we're competing in a different environment than we were just 20-years ago.

CHAIRMAN GRAHAM: Mr. Brokaw, Dr. Hamburg, thank you very much. This is an area unlike our previous discussion on nuclear terrorism, which I think the American people are just becoming aware of the potential consequences and the significant challenges that we are going to face in attempting to contain the risk that would lead to those consequences. And you've made a significant contribution to our commission's work in this regard, for which we are very appreciative.

MR. BROKAW: Thank you very much. Thank you, senator.

CHAIRMAN GRAHAM: I'm sorry that we were unable to go to open commissioner's questions to this panel. Our final three panelists have all arrived and we look forward to hearing from them. Commissioner Kelly, Commissioner Bratton, Mr. Pistole. [Crosstalk off mic].

Our concluding panel is on the subject of law enforcement and its relationship to the issue of weapons of mass destruction and terrorism. We have three distinguished professionals with great experience in this area. Ray Kelly is the New York Police Department Commissioner; William Braden is the Los Angeles Police Chief; and John Pistole is the Deputy Director of the Federal Bureau of Investigation. We could not have three more knowledgeable and insightful individuals than those who have volunteered to be with us today. I thank each of you—and Commissioner Kelly.

COMM. KELLY: Thank you. I just want to echo what Tom Brokaw said about Dr. Kevin Cahill. Dr. Cahill made a very candid assessment of the anthrax early on in that matter when there was a lot of confusion. He's been very helpful to New York City Police Department and helping us establish a medical component in our counter-terrorism operation. So Dr. Cahill has done an outstanding job, and continues to do that.

Senator Graham, Senator Talent, members of the commission, thank you for inviting me to speak today. You've asked us to address the role of law enforcement in preventing the use of weapons of mass destruction by terrorist groups. I'll do this principally by describing what the New York City Police Department program to counter this threat is.

And to begin, it's important to emphasize the most effective, critical steps, to prevent the use of weapons of mass destruction against an American city lie outside the

control of any one municipal law enforcement agency. Specifically, in the case of nuclear weapons the most important step is to ensure that intact weapons and fissile material, highly enriched uranium or plutonium, never fall into terrorist hands. This is the responsibility of the federal government.

In the case of radiological weapons, dirty bombs, the threat stems in large part from the inadequate security of high strength radio active materials at hospitals, and certain industries, and waste products from nuclear power generation. Again, the federal government has the authority to regulate the security standards of these materials, but to date has done so only weakly.

In the case of biological weapons, it is well known that the large-scale release of certain biowarfare agents will swiftly overwhelm the consequence management capacity of any American city. Here, too, it is the responsibility of the federal government to backstop the local efforts to manage the health effects of the attacks.

The inadequacy of the federal programs to perform this function has been revealed repeatedly, in exercising the studies going back into the early nineties. I hope that your commission will draw attention to these and other areas in which the federal government should be doing far more than it currently is.

Here in New York City, I can say with confidence that the New York City Police Department is doing everything it can to protect the city from the most dangerous form of terrorism imaginable. We operate an array of programs to do this; some are run solely by the department, others are joint programs involving local agencies and the federal government and surrounding jurisdictions.

It's important to remember that weapons of mass destruction and terrorism, is first and foremost, terrorism. In other words, behind every plot to use a weapon of mass destruction of mass destruction against New York City will be one or more individuals. By far the most important contribution of law enforcement therefore, is the detection, the identification, and apprehension of these individuals before they are able to carry out their strike.

To that end, the NYPD investigates terrorist threats, both unilaterally and in cooperation with the federal government. Our intelligence division is responsible for investigating

leads that may indicate possible terrorist activity, and employs a variety of different techniques to do so. They include a network of detectives based in 11 global cities who travel widely to gather information at the scene of terrorist attacks and work with foreign counterparts. In addition, we've assigned over 125 investigators to the NYPD/FBI Joint Terrorist Taskforce, which is the centerpiece of the federal government program to investigate terrorist threats against this country.

The importance of these efforts is amply demonstrated by the numerous plots against New York City, that have been defeated over the past seven-years, including against the Brooklyn Bridge, the New York Stock Exchange, the CitiCorp Building, the subway system, the Harold Square Station, the PATH Train tunnels and the jet fuel pipeline and supply tanks at JFK Airport. It's also worth remembering one plot that succeeded, the anthrax attacks that struck New York one week after September 11th.

Our program is not, however, limited to investigations and intelligence work. Every day we conduct operations to better defend New York City from weapons of mass destruction. And we are in the process of putting in place an array of technological systems that will give the city a defense capability that is unrivaled in the world.

Thanks in part to special programs launched with the help of the federal government, New York City's efforts to counter the threat of nuclear and radiological weapons is among the most advanced of any city in the world today.

In the past four-years we have distributed over 1,000 advance personal radiation pages to our patrol officers, and increasingly to officers in neighboring jurisdictions. Starting in 2004, we implemented mandatory chemical, biological, and radiological response training for every recruit in our police academy. We've trained thousands of our senior police officers in this critical responsibility as well.

In addition, on a daily basis, we deploy a large number of highly sensitive vehicle-based radiation detection systems. At this very moment, for example, NYPD officers are operating a radiation checkpoint on 42nd Street. Something we do every day, using a truck-based radiation sensor that is capable, not just at identifying the presence of alpha and gamma radiation, but of identifying a particular isotope in a passing vehicle. NYPD operations of this sort are not new. We've been

performing radiation surveys since the summer of 2004, before the Republican National Convention.

During the summer of 2005, the NYPD and the U.S. Department of Energy jointly oversaw an aerial radiation survey of New York City, using a specially equipped radiation detection helicopter. This survey gave the NYPD a baseline map of radiation in New York City. We continue to conduct radiation surveys, prior to all major events in the city.

Recently, the Securing the Cities program has allowed the NYPD and its partner agencies to reach for an unprecedented level of sophistication and intensity in our radiation detection operations. Securing the Cities was launched by the Department of Homeland Security in mid-2006, with the aim of enabling advanced radiation detection and interdiction operations by a consortium of agencies from New York, New Jersey, and Connecticut.

Our next steps in the Securing the Cities program will be to wirelessly connect our mobile radiation detection systems and to install fixed versions of this equipment on the bridges and tunnels leading into the Island of Manhattan. These capabilities will be integrated with the CCTV and License Plate Reader systems the department is already in the process of procuring, giving us a unique capacity to identify, track, and respond to radiation threats to the city.

This ability to combine with an array of 3,000 private and public sector CCTV cameras, biowarfare agent sensors, and sophisticated video and analytic software is central to our Lower Manhattan Security Initiative. This plan is a \$90 million undertaking, funded jointly by New York City and the federal government, to secure the world's financial center against attack. I would like to emphasize however, that the achievement of these objectives depends on adequate funding for the Securing the Cities Initiative.

Our original request for \$40 million was reduced in fiscal year, '09, appropriations budget by \$10 million. We need that money restored. Given the complexities of the federal grant process, we are still waiting on the \$40 million—we are awaiting an additional \$40 million from this fiscal year.

The centerpiece of the city's biodefense program is the Biowatch Program, which the NYPD manages in cooperation with the Department of Homeland Security and the city's

Department of Health and Mental Hygiene, and the Department of Environmental Protection. This system is a network of atmospheric samplers that continually monitor air for the presence of the disease-causing micro-organisms most likely to be used in a bioterrorist attack.

This technology, which was augmented by the city's Syndromic Surveillance Program, aims to provide the earliest possible warning of a bio-terrorist attack. Unfortunately, biowatch is [background noise] by the federal government and urgently needs modernization. The primary air-sampling unit in the Biowatch Program requires filter cartridges to be manually retrieved and processed at the public health laboratory. This outdated and highly inefficient process can cause time lags in detection of over 24-hours.

A more advanced and promising system is the Autonomous Pathogen Detection System. APDS is a fully automated system that electronically transmits the results of its atmospheric analysis within two to four-hours of collection. Currently there are only six such systems deployed worldwide; all of them are in Manhattan. The Department of Homeland Security plans to expand APDS projects later this year, but has indicated that no increase in coverage will be provided to New York City.

While we recognize the need for other jurisdictions to enhance their capacities to protect themselves, every credible threat analysis in the country shows New York to be a prime terrorist target. The real problem, of course, is that advanced domestic biosurveillance of the sort that we need, here in New York City, is a low priority in the federal government, as evidenced by the anemic budget of Biowatch Program.

Finally, the NYPD is also pursuing a number of different programs to reduce the risk of chemical terrorism in New York City. We're working with the Metropolitan Transit Authority to make a chemical weapons detection system operational in the subway. We are studying how to adapt our license plate reader systems to read Haz-Mat placards on vehicles and railcars.

Since 2004, our officers make regular visits to the owners and managers of chemical storage facilities to ensure that dangerous chemicals are properly secured. From time to time, we also conduct Red Cell operations to check for compliance with the law and to identify deficiencies in existing regulations. The most recent of these was

Operation Green Cloud, an undercover operation to test the ease of acquiring chlorine in a form that could be disseminated as a weapon. The fact that such deadly precursors could be delivered to the would-be terrorist's doorstep, without impediment, was alarming to say the least.

It is one more glaring example of where we need the federal government to step up and address vulnerabilities that put the public at risk. Whether it's fixing gaping holes in regulations, securing loose nuclear materials abroad, or fully funding programs here at home that represent our last line of defense, we have absolutely no time to lose. Everything we know about Al-Qaeda tell us they will try to hit us again, possibly the next time with a weapon of mass destruction. We must do everything in our power to stop them before it's too late. Thank you for inviting me today, Mr. Chairman.

CHAIRMAN GRAHAM: Thank you very much, Mr. Kelly. Chief Bratton.

CHIEF BRATTON: Good morning. Chairman Graham and commission members, thank you all for inviting me to speak to you today, during our inaugural public hearing. Law enforcement clearly recognizes the proliferation of chemical, biological, radiological, and nuclear weapons are the most serious threat to our national security. More than 750,000 sworn members of state and local law enforcement in the United States are engaged in the effort to prevent WMD proliferation; but not to the degree I believe they should be.

For the sake of my oral presentation—and you have written testimony—I'm going to highlight some of the critical points that are more fully represented in the written version of that testimony. I'd invite you to read the detailed descriptions of the LAPD's current and future capabilities in the areas of WMD training, prevention, and response. This includes the Suspicious Activity Reporting System, SARS; Operation Archangel; and the National Counter-Terrorism Academy.

I'll focus on the broader theme of the important role local and state police play in the prevention, and I emphasize, the prevention of WMD proliferation, and that gap, I think, needs shoring up. Any successful national counter-proliferation strategy must include robust local counter-proliferation strategies. Currently, the National WMD Strategy emerges from and is framed largely in Washington

DC. The national strategy is rolled out to the states for implementation, often without consideration of the local perspective.

Local and statewide perspective needs to be infused early into the process. Only through this inclusion will a national program be able to integrate with local programs, in essence. Local WMD strategy should be tailored to unique operational environments of each city and region. For example, in Los Angeles, we have the port, through which roughly 40% of our nation's goods travel. History has shown that the most likely WMD scenario involves an attack that may not be as physically devastating as the events of 9/11, but heavily impacts a region.

We must have solid strategies that are designed at our level, the local level, to attack these sorts of problems. Local non-proliferation strategies require that public safety agencies know the locations of dangerous materials that could be used as a WMD, and be in a position to educate the guardians of these materials about effective security. This requires an understand of the government regulatory process that dictates who handles these materials, how they are transported, and how breaches in security are reported and handled.

Reporting processes must be in place so that the police immediately are notified of security breaches, thefts, and surveillance activities. Police must build strong relationships with the private sector. The network includes research laboratories, hospitals, and pharmacies. People who handle sensitive materials must be trained to report anomalies, such as the purchase of large amounts of chemicals, like ammonium nitrate, or the treatment of suspicious injuries that may involve chemicals or biological agents.

Police must also familiarize themselves with potential sources of technical expertise that terrorists will require to operationalize their desires to use a WMD, whether it resides on the Internet, in the universities, or in the research centers. Counter-surveillance information and intelligence collection efforts are all central to prevention plans; all central and essential. Local programs to detect surveillance at our critical sites are essential.

Information about suspicious behaviors must be collected and fed into the threat assessment stream to detect warning signs and pre-attack indicators. Intelligence systems must

be in place for rapid analysis and investigation. Only through the blending of these elements will the warning signs and pre-indicators of attacks be detected. Prevention has to be the ultimate focus.

The materials for WMD can be smuggled into the United States, or perhaps more simply, they can be obtained here, either legally or illegally. LAPD investigations have convinced us that there is a continuing effort to place operational cells in our homeland to conduct these types of attacks. These investigations are conducted jointly, with our colleagues in the FBI and in my case, the County of Los Angeles, the Sheriff's Department, Sheriff Lee Baca. We have a joint fusion center there for the sharing of that information, and it has been developing over the last several years; developing and evolving quite well.

Whether they come from overseas to hide in plain sight in American communities, or they become radicalized here, it is far more likely that local, rather than federal law enforcement will detect terrorist's presence. That has been the recent British experience, for example. The same principle applies to the detection of WMD materials in our homeland.

Detection technology alone has the potential to generate too many false positives, requires a trained investigator to interrupt and detect the proper signatures for WMD. Our level of training in this area is not consistent. In L.A., one of the benefits of a larger department, I have a very large Haz-Mat unit. We have the capability, with Homeland Security funding, to respond to a Haz-Mat type of situation, and at the scene, make a very early on, very quick determination without having to send it off to a lab, as to whether or not we are dealing with a WMD type of situation.

That is not a capability that most police agencies around this country have. They would have, as Commissioner Kelly cited, the need to ship it off somewhere else, have it analyzed and meanwhile you have a whole area of the city closed down; oftentimes needlessly, because of the many false threats that we receive.

Federal training standards of hazardous materials technicians are different than state training standards. This creates a variance in the levels of competence across states and regions. A national standardization training would eliminate, or significantly reduce these difference. We must combine the ever popular investment in technology,

the choice [phonetic], with the training of competent human operators to ensure successful prevention programs.

Policing efforts to safeguard WMD materials and prevent attacks rely heavily on the quality of information that's available and the speed with which it is delivered and analyzed. Information sharing must be improved at the regional, state, and federal levels. The bottom line is that state and local police need direct access to intelligence. Something that the major city chiefs and the ISEP have been advocating now, for several years.

The Interagency Threat Assessment Coordination Group, ITACG, is the conduit at the National Counter-Terrorism Center, which WMD threat information is passed from the FBI and the DHS, to state and local law enforcement. This is an improvement over past practices, but the control of the flow of intelligence still resides at this time, exclusively with the federal agencies. This indicates that local police are less likely to get the information they need, when they need it, and as appropriate to their particular need.

The goal is to create a two-way dialogue so that state and local agencies have a say in the information sharing process and a direct link to entities that dispense that information; not easy to do. Because of the many variances in state laws, Sunshine Laws, et cetera, trying to coordinate this has been extraordinarily difficult, but it is still something, an endeavor that needs to be undertaken more forcefully and more comprehensively than it has been, to date.

This concept of intelligence partnership extends to our relationships with police departments overseas. The gold standard is certainly efforts of the NYPD, with their police foundation, to establish offices in various countries around the world; and something that local police in many other jurisdictions need to have firsthand knowledge of overseas events that may affect their own jurisdictions. They must also have established relationships with their counterparts abroad, before an event, so that information about specific threats are shared rapidly and directly. I've long been an advocate of this concept, and again, the NYPD has been actively engaged in it now, for a number of years.

In the proposed Foreign Liaison Offices Against Terrorism, the FLOAT Program, is the acronym that it's known by; this concept was created with the understanding that many municipal police departments lack the resources to station

an officer overseas for an extended period of time. In FLOAT, police departments would pool their resources to post officers overseas and share the intelligence that was gathered.

We have a model for this in that many police agencies in this country, currently, have officers assigned to the National Operations Center, and we share information among them that—not all agencies can afford to have a full-time officer at that location—but what we try to do is regionalize it so that information is shared.

In this regard, I'm urging congress to be aware of and support an effort by the Manhattan Institute; R.P. Eddy, who's a Senior Fellow for that center, has been advocating the FLOAT Program and I would ask that as part of your deliberation you should look more actively at that initiative.

I'd also like to take a moment to recognize some of the people we have heard and responded to. The calls of local enforcers, certainly, our colleagues at the FBI; we have established what I would describe as seamless relationships with them in our counter-terrorism efforts, as well as in local law enforcement efforts, and continue to expand on that, with the Deputy Director here, in the absence of Director Mueller, that those relationships are good and have been continuing to grow.

Additionally, Ambassador Ted McNamara, the Program Manager for the Information Sharing Environment, has been a staunch ally and a supporter of both of the initiatives I just mentioned. I appreciate all his efforts and our relationship, also, with Homeland Security. Secretary Chertoff, I would describe at this time as excellent.

I echo the commissioner from New York's comments that it's all about resources and that we need more. Clearly, the farther we get from 9/11, now seven-years—actually the farther you get from Washington and New York, geographically—in Los Angeles I have to fight tooth and nail with my political leadership to basically fund local resources for this very critical effort. So it makes it even more difficult to be 1,000 miles away fighting for federal support. So I think if we were unified up here, certainly around the idea that more still needs to be focused on the local efforts.

I'd also like to thank the members of congress who have

supported and sponsored legislation that would enable progress in these important areas.

In conclusion, in the 1990s, actually, beginning here in New York City, Commissioner Kelly's time and certainly my time and then my successors, and now Commissioner Kelly, once again, we learned how to deal with the issue of traditional crime. We embraced community policing and community policing focused on partnership problem-solving, and most importantly, prevention. Prevent crime rather than just - - success and reacting to it.

We don't need history to repeat itself in the sense of negatively. We have positive history to look to as we face the issues of terrorism. Terrorism, in many respects can be as responsive to the issue of community policing, the philosophy of community policing, partnership, local, state, federal. Focus on problems, the problems that you have focused on today, WMD, but most importantly the idea that we want to measure our success by the prevention of these events rather than how well we respond to them. Thank you.

CHAIRMAN GRAHAM: Thank you, sir. Deputy Director Pistole.

DEPUTY DIRECTOR PISTOLE: Senator Graham, Senator Talent, members of the commission. Thank you for the privilege of being here today and for the opportunity to serve on a panel with two of the leading figures in local law enforcement.

The reason for being here today to discuss one of the most deadly and dangerous threats we face, that of an attack using WMD. Few threats, as we know, fall into the same class in terms of sheer destruction, devastation, and loss. Few strike such fear in the hearts of the public and few threats are so appealing to terrorists around the world, for the same reasons. Prevention must be our focus, that is why we are here. Today, I'd like to highlight the progress we, the FBI, have made to keep WMD out of the hands of terrorists and criminal organizations. I also want to touch on our collective efforts with our law enforcement and intelligence partners, as the FBI serves as a bridge, in many instances, between the U.S. and global intelligence community, and the law enforcement communities.

We've heard the threat articulated by Senator Nunn and Dr. Bunn. Clearly, Al-Qaeda has demonstrated an attempt to acquire and use WMD. Indeed, bin Laden stated that it is Al-Qaeda's duty to acquire WMD. And he has made repeated recruiting pitches for experts in chemistry, physics, and

explosives, to join his terrorist movement, as we heard earlier.

Unfortunately, core Al-Qaeda is not our only concern. We face threats from other terrorist groups around the world, such as Hezbollah, and from homegrown terrorists, who are not affiliated with Al-Qaeda, but who are inspired by his message of hatred and violence. In addition, as we know, several rogue nations and even individuals seek to develop WMD capabilities. We've often said that the next terrorist attack is not a question of if, but when. If we up the anti to a WMD attack, we know that it is a question of if, but we cannot let it become a question of when. Again, prevention is the key.

So what are we doing about this threat? The FBI serves as the lead domestic agency force for preventing and investigating terrorist's threats in the United States, including CBRN threats. Many of today's counter-terrorism efforts began in the aftermath of the attacks on September 11th, although the first joint terrorism task force was established here in New York City more than 20-years ago as a joint initiative between NYPD and FBI.

As we in the FBI built our capacity, we saw the need to provide a more comprehensive and consolidated approach. Preventing WMD threats and incidents is a special challenge, because WMD materials and incidents are unique in character, response requirements, and of course potential consequences, that Senator Nunn so well articulated. To that end, we created the WMD Directorate. The directorate coordinates all FBI responses to WMD threats. It integrates and links all of necessary counter-terrorism, proliferation, intelligence, scientific and technological components to prevent and investigate, if necessary, any WMD threat or incident.

I'd like to provide just a snapshot of the FBI's WMD capabilities from prevention to response. In addition to the JTTF here in New York, we added more than 100 joint terrorism task forces around the country, as well as a national JTTF. To leverage the expertise of federal, state, and local law enforcement, and intelligence agencies, to detect, deter and disrupt all terrorist's threats. The JTTF and the information they developed, coupled with the intel gleaned from the FBI's worldwide network, serve as a key trip wire that demonstrates how we have transformed since 9/11, with the focus on being a threat-based, intelligence-

driven organization.

So good intelligence is a key to our prevention efforts. We have intelligence analysts to collect, analyze, and disseminate timely, actionable intelligence related to WMD, facilitated by field intelligence groups in each of our 56 field offices. Further, we're committed to disseminate intelligence to the broader law enforcement and intelligence community, and we do this under the maxim, share by rule, withhold by exception.

We've also conducted extensive training, such as the International Symposium on Agricultural Terrorism held in Kansas City, which we initiated and hosted for the third-year, in support of the "Farm-to-Fork" Program, which is designed to ensure the safety of our nation's food supplies. The symposium this year attracted more than 500 attendees from law enforcement, government, and critically, the private industry. And of course we've had at least one WMD coordinator in each of our offices to coordinate and ensure the proper FBI response.

Should a WMD device be discovered in the U.S., the FBI has built the capability and capacity to respond through such an event, through our Forward Deployed Assets and our Critical Instant Response Group, who has expertise in the Render Safe Mission. And with regard to our forensic capabilities, our FBI laboratory provides technical experts in the field of CBRN materials to assist other agencies. The lab works with an extensive network of state and federal laboratories to provide screening services for material with potential WMD nexus.

To further enhance our efforts in the bio-terrorism arena both in New York and Los Angeles metropolitan areas, under the leadership of Commissioner Kelly and Chief Bratton, have agreed to conduct joint bioterrorism training and investigations, if and when necessary, to include public safety and public health agencies. These agreements detail information sharing protocols and procedures for conducting joint threat assessments, and if necessary, interviews during an incident with a possible nexus to a bio-terrorism event.

And in an effort to prevent the U.S. from WMD related attack, the FBI is concentrating our efforts on sources of WMD material already in the U.S., as Chief Bratton mentioned. Protecting sources of material requires large-scale private industry and government cooperation. Those in

academia and the private industry may well be the first to note any unusual behavior.

Training is also vital to our cooperative efforts. We need to know how best to respond to a pending threat prior to a real need arising. To that end, we routinely train federal, state, local agencies, and some international partners. In fact, to date we've trained more than 5,000 participants throughout the U.S. and 23 countries. And of course by training together we can better work together when the time comes.

We all face the prospect that at some point in the future, perhaps soon, a terrorist will steal, smuggle, buy, or build a WMD. Again, we must focus on prevention. The FBI is presenting a layered approach to counter the threat of WMD, from the training of first responders, to the WMD coordinators, and our biotechnicians in every FBI field office, to the regional teams and laboratories, to the vital partnership with local law enforcement.

Our greatest tool is dedication and collaboration. The enemy, we know, is dedicated, but we are more so. Our work is built on the idea that together we are smarter and stronger than we are standing alone. Because no person, no FBI agent, no police officer, no single agency can prevent a WMD attack on its own. There are too many unlocked doors and unknown players, too many ports and porous borders. Yet, together, working with colleagues worldwide, we can stop those who seek to buy such material on the black market, we can halt the development of dangerous biological and chemical weapons, and we can stop terrorists from using the technology to threaten our citizens. We can and we must. Thank you.

CHAIRMAN GRAHAM: Thank you very much, sir. Our two lead questioners will be Commissioner Sherman and Commissioner Rademaker. Wendy.

COMM. AMB. SHERMAN: Thank you all for coming, and for terrific testimony. First, I think on behalf of all the commissioners, please thank the men and women who are on the streets every day, as police officers, as special agents, or as back offices that help to keep us all safe. And I hope you'll convey to all of your troops, our gratitude for what they do.

Secondly, you each have a very special perspective. Commissioner Kelly, you've worked both at the federal

government and here in the NYPD as commissioner. Chief Bratton, you've worked both on the East Coast and the West Coast. And Deputy Director Pistole, you have worked both as a special agent in the FBI, beginning in your career, to now being Deputy Director and having responsibility for counter-terrorism, a new mission for the FBI.

So I'd like to ask each of you, Commissioner Kelly, in your perspective, what have you learned from holding those two different perspectives of having worked in the federal government and now in the local level, that might inform our moving forward to a safer place?

Chief Bratton, from your perspective and your work on both coasts, what does the rest of the country not understand about what happened here on the East Coast?

And to you, Deputy Director, the FBI has tried to make a shift and what have you learned about how that cultural shift is going and how it's not going? Thank you.

COMMISSIONER KELLY: I would say, cutting right to the chase, that working in the federal government is, it's ponderous, it's difficult to get things done, decision-making is slowed by many layers of bureaucracy, lots of attorneys involved in decision-making, which is not necessarily a bad thing. But on a local level, we are and we have to be, much more responsive. And we sort of pride ourselves on that.

So that has been, you know—I was in local government, left and went to the federal government and now I'm back to local government. That's the thing that—and I have several people working with me, David Cohen [phonetic], and Richard Falkenrath [phonetic], absolute superstars in our business, who have the same reaction. And I don't know how you can translate, I don't know how much you can change the processes in the federal government. But it just always seemed to be difficult to, to get things done, in my experience in the federal government.

We know that we have to act faster. We see ourselves being on top of the terrorist target list, so when we put a program in place, we're going to implement it right away. We know that every day we deploy 1,000 police officers in our counter-terrorism efforts. That's a major investment for a department that is down about 12% in our uniform headcount. But we feel that we have to do it and we do it quicker, we do it 24-hours a day.

So that's kind of my take away, a quick take away. It's much deeper than that, you know, in a lot of other areas, but it is the difference between getting things done in a immediate, have to do it manner, in local government, and just the ponderous nature of effecting a decision, or effecting change in federal government.

COMM. AMB. SHERMAN: Thank you.

CHIEF BRATTON: Echoing Commissioner Kelly's comments, that we interact, certainly with a lot of federal officials and I speak for elected members of congress, but I have not met anybody that's in the bureaucracy that's happy and feels that they're getting much done, with any great speed.

So in the local level, there was a higher degree of satisfaction that you are able to, literally, almost instantaneously sometime, see the benefit of the decisions you're making.

The perspective, East Coast, New York City, West Coast, now Los Angeles; being quite frank with you, the farther we get away from the events of 9/11, 2001, and the farther, geographically, we get away from the East Coast Corridor; the issues and concern that we're discussing here, they diminish significantly. In the last, now almost six-years I've been Chief of the Los Angeles Police Department, I have had to fight, literally tooth and nail, to expand the capacity of our counter-terrorism efforts. I have proportionately, with 300 officers out of my 9,500 person department, roughly the equivalent of what Commissioner Kelly has with his 34,000, committed to this effort.

But unlike, I believe, the support he gets at the local level here, because they were here on 9/11 and they understand that New York remains still the most significant target in the country; Los Angeles does not quite get it to the degree that New York gets it. Fortunately, I have a mayor that's committed to it and has been very supportive of the efforts I can make to assign my resources without going through a phenomenal levels of bureaucracy.

So we have prioritized this issue, because again, of the likelihood that next to New York or Washington, we believe that we are it. 40% of the goods that come into the United States through our port, Long Beach, Los Angeles; we have LAX, which has been targeted in the past. We have the entertainment industry, which to Al-Qaeda and others, would be the root of all evil. And so for many reasons we do pay

a lot of attention to this issue. Much more so, I think, than many of my colleagues around the country are able to, because of their limited resources or because of their lack of proximity to the event itself, or geographically, the distance they are from it.

And that's where the federal government comes into play in the sense we need them in the game, but at the same time that we don't need, necessarily, total control by the federal government. The commission and I need to make decisions about our particular issues, and so if there is an event occurring in London—the subways—well, I cannot wait for the federal government to give me information that I need to make relative to my subway system; certainly here in New York City where it's such a lifeline for the whole city.

We have come a long way. We have come a long way in the sense that, I think as I've indicated, that I can only speak for the Los Angeles experience, that relationships are good, very good, and getting better. We still manage to arm wrestle over issues of difficulties in funding, but I think we are united in the idea that we are moving in a common direction.

DEPUTY DIRECTOR PISTOLE: Thank you, Ambassador. As is representative of one of the ponderous agencies, let me see if I can address that. [Laughter]. I think there's really two take-aways that we have had since 9/11. The first, being our utmost interdependence and reliance upon other agencies to get the job done. In many respects, prior to 9/11, for example, I worked on a joint organized crime taskforce with the NYPD 20-years ago and there was a great relationship there. But beyond that, it was a matter of, we could get the job done.

In many instances, FBI agents and employees have looked at, just within ourselves, prior to 9/11, to say yes we can get the job done. So what 9/11 has done is helped us realize the critical interdependence of, not just state and local law enforcement—three-quarters of a million state and local officers out there on the streets—who are more likely to detect something than the 12,000 or so FBI agents. But then, how we can share that information from the intel community and back and forth. So that's one issue, the interdependence.

The second, is on the cultural shift that you mentioned. And it is—we've been working mightily to address that issue, because there has been a significant cultural shift. And we

have made significant strides, I believe, in the area of moving from what I think was generally seeing part of 9/11 as largely a reactive organization—go out and solve crimes and do a very good job of that—to one of being a threat-based, intelligence-driven organization.

And let me just give you an example of the thousands of ongoing counter-terrorism investigations we have today, each and every one of those is first and foremost and intelligence collection platform; it is not a law enforcement investigation. It is an opportunity for us to collect information under the lawful guidelines, statutes, and everything—to collect information to see if there is a threat; to share that with our partners in state and local law enforcement; to share that with the intelligence community and then make an assessment. If there are criminal sanctions that might be available, do we take action on those immediately or do we hold those in abeyance until the right time, so all of our partners can have the input as to whether we are taking down a case too soon, basically. So those are the two take-aways.

COMM. AMB. SHERMAN: Thank you. One other very quick question, so that my colleagues get some time. We've talked, not a great deal today about the private sector, but you all have mentioned it in your comments. Would you just speak briefly on how you think we ought to be engaging the private sector, ways perhaps we are not to deal with chemical, biological, radiological, and nuclear threats?

CHIEF BRATTON: Well, I can tell you an organization that we have started here; it's NYPD Shield. It's an umbrella organization that involves 3,000 businesses. We connect to them, BlackBerry Internet, on a daily basis. We hold training sessions for them, both for specific industries or areas of business. We hold sessions in our headquarters, attended by as many as 500 representatives of these businesses, giving them an up-to-date synopsis of world situations.

In the training component, we address the need to be aware, to be vigilant. We have a fair amount of alumni; people who worked in the police department who are in the security positions in these big companies. So I think we're communicating well, we're engaging in a lot of training with them, and as we go forward, I think we become a little bit more sophisticated.

In our Lower Manhattan Security Initiative—I mentioned it

briefly in prepared remarks--this is our effort to protect the 1.7 square miles south of Canal Street. We'll have 3,000 cameras; there'll be 2,000 private sector and 1,000 public sector cameras that will be merged. We'll have about 150 license plate readers; we'll have actual physical barriers that will enable us, in extreme situations, to wall off the area; we'll add 600 police officers to that area. And we have a coordination center where we'll have public and private stakeholders in that coordination center.

In keeping with this, we intend to--not unlike the British program that they have, called Operation Griffin, I believe--we intend to raise the private security professionalism, you might say, in this area to a higher level to work more closely with us. And a lot of receptivity for that; we've spoken to all the major stakeholders in that area. That type of training, that type of partnership will go a long way in helping us protect that area of the city, but we're going to take that and migrate it to other industries throughout the city as well.

CHAIRMAN GRAHAM: Thank you.

CHIEF BRATTON: We're engaged in very similar efforts to New York. Three examples that we have--a network to revamp [phonetic] communication that goes out to most of the security directors that have identified critical locations, businesses, et cetera, so that we are in a position to, when we receive an alert, something that might be a specific concern to the Los Angeles region, we're able to get information to them fairly quickly. And then also have the ability to gather them up very quickly, to give them more in-depth briefings. And annually, we hold a conference--a jointly sponsored conference--where we bring 500 of these people together on an annual basis, to just meet face-to-face. That's a program that is continuing to expand.

Secondly, in California, the standards for private security officers--almost 2.5 million of them in the country--and they have additional sets of eyes and ears beyond our three-quarter-million public safety officers. Standards there require that private security officers, which there are tens of thousands in the Los Angeles region, have training levels that we are now able to impact on, in the sense of getting them engaged in the efforts that we have.

The Suspicious Activity Reporting System that we recently developed in Los Angeles--and that Homeland Security is seeking to adopt and expand throughout the law enforcement

community—which is basically, training all of our officers to look for signs of potential terrorist activity. On our basic report form, there are boxes to check that ensure that that then goes to our Fusion Center for further analysis. We have the capability over the next several years, of growing that to the private security arena, with the training they're required to receive as well as the training capabilities we have to keep them networked.

And then thirdly, with the initiative that was funded by the federal government and is now being expanded by Homeland Security, the Archangel Project. It's an effort to develop a national matrix of how do you identify what is a critical site? A critical site in terms of some things you would normally think of; a power plant, but also a hospital that's doing research; research on biochemical types of situations for example; and working with the security directors of those facilities; how do you check them, how do you prevent theft, how do you prevent illegal intrusion into them?

So we are really getting much better at this, but a lot of this, once again comes back to the issue of funding, the issue of trying to get some generic things under way so that we are able to talk with each other.

And in closing, if I may, just echoing some of what's been discussed here. Part of the issue is the idea of—the FBI began this effort as they tried—in the process of changing their mission to focus more on counter-terrorism, literally changed the culture by also training many thousands of analysts; not necessarily were they full agents, but analysts. And part of that effort is to take some of those spaces and allow the local police to have people trained so that they're able to interact with each other; some degree of generic training between them—talking the same language.

But also the expansion of that so that so much of what goes on, oftentimes, is relationships, personal relationships. Director Mueller, he and I worked in the eighties, back in Boston, so we've got a relationship there that goes back many years. One of his assistant directors is my former head of counter-terrorism, so I have a relationship there. So there's relationships that you cannot underestimate in the sense of training people together, having them come together for joint exercises, keeping them networked together.

And so it's part of, once again, community policing. We want cops on the beat that know the community; the community

knows them. We want analysts on the beat who know each other, are jointly trained, jointly exercised, and are continually exchanging information among themselves.

DEPUTY DIRECTOR PISTOLE: If I could have 10-seconds worth. Extensive and expanding liaison, and outreach with the private sector; Infraguard, which is a cyber based, over 25,000 users, DSAC, which is based on the OSAC, the State Department. This is Domestic Security Alliance Council, and the Higher Education Initiative. There's a lot behind that, but that's in a nutshell.

CHAIRMAN GRAHAM: Mr. Rademaker.

MR. RADEMAKER: Gentleman, thank you very much for your testimony and thank you for all that you do. One of the themes that has emerged in our review of the whole counter-terrorism area is that—it has to do with the critical importance of information-sharing. And a number of you touched on that in your testimony.

And this panel affords us an interesting opportunity, because the three of you represent various components of the law enforcement community, and you're all saying that—I think all of you are saying—that there have been serious problems in the past with information-sharing. I think you're saying we could still do a much better job, going forward, and for the three of you to say that, sitting there together, is something of a self-criticism, because you represent the entities that are—that need to do a better job. I think that's what you're telling us.

And so I really can't resist trying to provoke this a little bit more by asking a question, or several questions, about information-sharing. And maybe I will use one issue that's been identified here, that's of interest to me as a vehicle or a mechanism for triggering a discussion—a broader discussion of information-sharing. This practice you have in the NYPD, Commissioner Kelly, of deploying 11 detectives, internationally, to foreign offices is really a remarkable thing for a municipal police department to do. And I'm not sure whether any other cities have done it.

But I wasn't even aware of this practice before I was made a member of this commission. Perhaps you could explain a little bit more than you did in your prepared testimony, commissioner, what the function of these police officers overseas is. My initial understanding was that it was essentially intelligence collection. I think that would be

the appropriate term to apply to it. But Mayor Bloomberg, in his testimony earlier this morning, also talked about using them to obtain information about best practices, internationally, and to try and bring that back. So it sounds to me like maybe their function is more than just collecting intelligence, but I'd like you to comment on that first.

Second, I'm wondering if the fact that you've done this, that your department has deployed police officers internationally is an implicit criticism of the job the federal government's doing in obtaining and sharing this kind of information with you. Because I would think this is really more of a federal function, to deploy law enforcement officers overseas in liaison relationships with law enforcement counterparts in other countries.

And then, Chief Bratton, I noted in your, your testimony you talk about—you have this FLOAT concept, which Foreign Liaison Officers Against Terrorism, which if I understand it is basically to promote sharing among police departments, of information obtained by practices like that engaged in by the NYPD. So I'm wondering if in putting forward that idea, you're implicitly criticizing the NYPD for not sharing information from you that they obtained through their current program, or what it is the FLOAT would provide. It sounds to me like you want the benefits that the NYPD is gaining through this program, and maybe you could elaborate a little on that.

Finally, we have Director Pistole, and I guess the—a lot of criticism is aimed at the federal government for not sharing enough information with local departments. But I'm wondering, maybe from the federal perspective, if you'd comment on the information-sharing in the other direction. Are you gaining insights based on—derived from these 11 NYPD officers overseas? Are you obtaining other information from state and local law enforcement officers that's useful to you in your work, in fighting terrorism? I think you see the direction I'd like you to go in. And I think I will stop and let you respond. Thank you.

COMM. KELLY: Let me start. We are sitting about five blocks from the World Trade Center, where we had 2,800 people killed. The World Trade Center's been attacked twice. We've had six other plots that I mentioned in my prepared remarks, at New York City. So clearly, we're a little different than any place else in this country. So we

want anything that's going to help us better protect this city. And we believe that having people overseas and interacting with other police agencies, if they can give us any bit of information that's going to help us better protect the city, then it's well worth it.

By the way, these officers are funded by a private foundation. Obviously, their salaries are paid by taxpayers, but the expenses of their overseas deployment are from a private foundation.

Now they are embedded with police agencies. Now LEGATS, which are legal attachés the FBI have, they work in the embassy with U.S. personnel. Our officers are working with other police agencies. For instance, in Tel Aviv, they're working with the police and if an attack happens, an event happens, they're able to go out and get information within an hour's time and send it back to us, here, in a very well done—a particular officer we have there now, is very responsive.

I want to give you one example that I think is insightful. In July 7th of 2005, we had the bombings in the subway system—the metro system, in London, - - . Now it happened at 8:00 their time, five-hours ahead. We didn't know what that was; we didn't know if it was a, if it was a worldwide plot that would happen. But our office was in the metro New Scotland Yard headquarters, right there, working with them, able to give us real time information, tell us everything that they had. We were able as a result of that, to deploy additional resources in our subway system.

At the very least, we knew that people would be concerned. We tried to raise their comfort level. This was a worldwide story that they were seeing on their televisions at 7:00 in the morning. So that's one example that I felt was extremely helpful.

In the Madrid bombings, we sent our officer from Tel Aviv to Madrid that day, and working in a sort of Interpol function, he was able to get us specific information about how the bombs were deployed. We then deployed additional officers in our subway system to counter-act that sort of activity. Now that is inter-nation; that, quite frankly is not coming from the federal government.

And our position here is—we need the federal government—no question about it—but we can't rely on the federal government alone, to protect us. And that's why we're doing

lots of other things in the city, not just deploying officers overseas. But we're looking for any bit of information that's going to protect this city. And if it emanates from another country, fine. And we obviously are well received; we're not forcing our way into these venues. They want us there.

Now as the mayor said, we also learn best practices. Those cities send people over here; they work with us. We have the officers in Amman, Jordan; they send their personnel here and they look at the things that we do and we compare, some sort of tactics, you might say. So I see it as being extremely beneficial.

Now we had Director Mueller up here, we briefed him on the program. He's very supportive of it and has been supportive of the program, publicly. This is not in any way looking to supplant the function of the federal government; this is looking to supplement. And again, we're unique here because of what we've experienced and we're going to do everything that we can possibly do, as a local agency, to see that it doesn't happen again.

CHIEF BRATTON: Replication is the surest form of flattery, rather than being critical of the New York Initiative, it's—being quite frank with you, I'm jealous of it, in the sense that understanding its importance. FLOAT is a concept to take the idea of having resources on the ground, in certain cities, certain countries, that are apt to have the shared concerns and experiences we have.

And New York, because of its sheer size, Commissioner Kelly, as he indicated earlier, has the discretion to—with his very large force, because of the particular needs of this city and the priorities of this city—assign personnel. But even those personnel require the support of the private sector foundation to fund the cost associated with that.

What FLOAT would attempt to do would be—even myself, with a very large organization, I'm stressed to try to assign several people, even full-time, to the National Operations Center. Most major cities don't have offices assigned there, because they just cannot justify, 3,000 miles away from Ground Zero, having a full-time officer sitting in Washington DC, when the city councilmen say, I want a marked black and white, running around my neighborhood. We don't want officers sitting there doing that.

What FLOAT would do would be to take a consortium, in my

case, of major cities, Chicago, Los Angeles, Washington DC, and we would together, between us, agree to supply an officer who might be stationed in London; who might be stationed in New South Wales. Who, if an event occurred, would immediately be in touch with all of us, to share information that he or she is getting first had, at the scene.

Fueling this effort is the real life experience of the second subway bombings in London. Subsequent to the first bombing, I sent one of my deputy chiefs, Mike Burko [phonetic]—as many other departments did—to London. And with the acquiescence of the British Police Services, Surrean Blair [phonetic], head of the metropolitan police, he happened to be—on a 30-day assignment there—happened to be sitting, being briefed by the bomb-squad when the second set of bombings occurred. He immediately was brought by that bomb unit, as they responded to the scene, and throughout the day was relaying information back to Chicago.

Why Chicago? Ten of America's police chiefs of the largest cities in the country were meeting there to discuss how do we develop a consortium to share information. So we had the real-time experience of a deputy chief in the LAPD, giving us real-time information—ten major city chiefs, most of us who have subway systems. So we were able to, very quickly—Chicago, Los Angeles, Atlanta—get information out to our respective areas and our mayors, to give them real-time information. Something that the federal government, by the time they vet the information and move it down, oftentimes, it's 24-hours late. We don't have time for that type of time delay.

So again, it's seeking to emulate what New York, because of its priority and sensitivity to this issue, and the resources available, have been able to do. And indeed, I would emphasize that the sharing of information among local police, as was referenced in one of the statements about some of what we're doing; one of my deputy chiefs has been working very actively with Commissioner Kelly's people, on some joint exercises, some joint sharing of information, as we move forward. The idea being, we recognize that we're all in this together. And the idea is—the emphasis is more on inclusion rather than exclusion.

CHIEF PISTOLE: And to answer your question as to the information-sharing from state and locals, we see it as generally being excellent. Nobody wants to be sitting on

information that could be used to help prevent an attack, for whatever reason they haven't shared that. So generally, no issues there, with very few limited exceptions. And that, generally, when there are exceptions, it deals with operational details as to the protecting sources and methods, which is understandable.

We applaud the efforts of what Commissioner Kelly, Bratton, and others have done in terms of assigning officers overseas. One of the challenges it presents for the ambassador and the country team, deputy chief admission, is trying to find and understand what information is being collected and passed to the U.S., outside of the country team environment. And of course, recognizing that it's primarily law enforcement information, perhaps not informed by the intelligence services in those host countries.

Another challenge that had been relayed to me from foreign services is—again, applauding their efforts—but if every major city department in the U.S. decides to assign somebody to London, to Tel Aviv, to Mexico City, you name the places, it puts a real strain on those agencies to provide timely information. And that's the key here. I think we get the information to the state and local partners, perhaps not as timely as Commissioner Kelly and Chief Bratton had mentioned. And that is the thing [phonetic], we recognize we cannot be all things to all people, at all times.

So we do the best we can with what we have. We have 71 offices overseas, in embassies around the world, trying to cover those issues as they come up so we can be that focal point for sharing the information; but recognizing that there are timeliness needs that have to be addressed, and so we applaud those efforts.

CHAIRMAN GRAHAM: Vice-Chairman Talent has a question.

VICE-CHAIRMAN TALENT: Director Pistole, what are the guidelines—how are the guidelines under which FBI operates in conducting investigations and collecting information, differ from those that your colleagues are currently operating under? And how does that, on a practical level, affect your ability to get that kind of intelligence?

DEPUTY DIRECTOR PISTOLE: Sure. Thank you, senator. Of course, right now we have, actually, five different sets of guidelines, which are being combined into one set. The Attorney General should be signing the new guidelines for the Domestic Collection of Intelligence on October 1st. What

that will do is streamline our ability to collect information and intelligence across the U.S. that will further the information-sharing with state and locals and with the intel community.

It will really help us in three ways: It will provide consistency between our criminal counter intelligence and counter-terrorism investigation so everybody's working off the same information, the same legal guidelines, so there's no confusion, which has frankly caused us some issues in the past where there has been confusion in what are the authorities. And right now, up until the Attorney General signs them, we actually have greater authorities under our traditional criminal guidelines.

For example, in three areas, if we want to task a source—a human asset to go in and try to find out information—we can do that under our criminal guidelines and not our national security guidelines, unless there is predication; a key component in protecting civil liberties and protecting civil rights. If we want to do physical surveillance under an assessment, we can do that. On the criminal side; we can't do that right now. We will be able to after the Attorney General signs them.

And then we also, if we want to do a pretext interview, just try to—an FBI agent wants to talk to somebody but not identify themselves as an FBI agent—we can't do that right now, without predication in a national security investigation; where we can do that, let's say, in organized crime or a drug investigation.

VICE-CHAIR TALENT: Those are all capabilities that your two colleagues can exercise on the local level?

DEPUTY DIRECTOR PISTOLE: Absolutely. Right.

CHIEF BRATTON: With some limitations, Commissioner Kelly, can't you issue, as I have—the police commission has guidelines and oversight over a lot of my intelligence operations. So those are all similar to what the FBI is doing with safeguards, to deal with past abuses to ensure that they don't occur again.

MALE VOICE: Thank you, Mr. Chairman.

CHAIRMAN GRAHAM: Commissioner Roemer.

COMM. ROEMER: Thank you, Mr. Chairman. Thank you for your wise words today and your service in the past, and what you

will do to continue to protect our country in the future. Commissioner Kelly, you talked about some of your concerns regarding, maybe bad guys getting access to materials here in the United States. And when you said it, Chief Bratton was nodding his head and so was Deputy Director Pistole. When you talked about it, Chief Bratton, Deputy Director Pistole, was again nodding his head.

How worried are you that terrorists, potential terrorists, might actually get access to materials here in the United States, that they might use to put together some type of chemical, biological, or improvised explosive device, to attack the United States?

COMM. KELLY: We have to be very concerned. There's no question about it. I mentioned—and I prepared remarks—in 2005 we did a fly-over with the Department of Energy to see where, you know, radiation emitters are located in the city. Well, there were an awful lot of them, let me tell you that. And many of them in the hospitals and as was said, in educational institutions.

You know, you look at these types of establishments, there's a tremendous turnover of personnel. There is not adequate standards—or even the standards that exist, are they adequately enforced as far as controlling, preventing, radiological material from getting into the wrong hands? Yes, we have to be concerned about it, and of course, you know, Dean Allison has spoken about this many, many times, and spoke to our executive staff, just a few years ago.

We're concerned about it; we're doing what we can, as a local agency, to address it. We go out, we do training; we help hospitals, to a certain extent, vet some of their employees where we can, pursuant to the law. But the answer to your question, I think it's something that the nation has to be very much concerned about. Again, we're a big city, but we're still a local entity. We need a comprehensive, aggressive, federal approach to this problem; we don't have it.

CHIEF BRATTON: I don't think there's no denying that there are many evil people who are seeking to basically acquire dangerous items and devices to inflict great harm. We've had, certainly, the first World Trade Center bombing was an example of that; evil people who were able to couple expertise with the acquisition of necessary materials, to create that situation. Timothy McVey and his colleagues in Oklahoma City, you know, clearly very evil people who easily

acquired a phenomenal amount of material to create that explosion.

So is it of concern? It certainly is, because there is so many potential evil people with such ease of access to potentially dangerous materials, to do bad things.

DEPUTY DIRECTOR PISTOLE: Congressman, this is obviously what drives all of our efforts to make sure we're getting it right. I think Senator Nunn had the right assessment, in terms of looking at the probability versus the consequences. It's our assessment that the clear intent is there, to use anything that they could acquire. The risk of a chemical, biological, or clearly a radiological event, is much more likely than a nuclear event. And that's not on a continuum of good or bad, but just saying their access to and development of a nuclear weapon is much more limited in our assessment, than the other three. All those cause us problems, and that is what drives our efforts. Thank you. Thank you, Mr. Chairman.

CHAIRMAN GRAHAM: Thank you, Tim. Commissioner Allison.

COMM. ALLISON: Thank you, very much. I join with the earlier comments in admiring the work that you all are doing to keep us safe. I think Wendy's point is especially poignant to hear, as we come up to the anniversary of 9/11. But I'd be interested, Commissioner Kelly, but then others that have comments, you all obviously have a list of things that you wish the federal government would do, that don't start with money. Money is part of it, but this—we're here talking about radiological. Not adequate—and I'm just quoting back Commissioner Kelly—not adequate standards. So if somebody is keeping CCM-137 in a hospital or in a facility, are there federal standards that are adequate for the protection of that? Answer, no.

COMM. KELLY: Yes, that's right.

COMM. ALLISON: Are they enforced by defense? No. - - . Are the employees vetted in an appropriate way? So I'd be very interested in your telling us a little bit of the list of things in radiological or chemical or biological, or nuclear, that are not done, that you would wish were done. Because, I think they're very relevant to what a commission could recommend.

COMM. KELLY: Well, I think there is a whole series of things in all of those areas. It would probably take a long

time to talk about it. But just paying a lot more attention to the issue, to No. 1) where these materials are located. I mentioned again, we did our Operation Green Cloud; we were able to get chlorine gas sent over the Internet to an address. And we have this on film. They just delivered these drums and left them in the street. There was no vetting on their part, so to speak.

There's lots of areas that need regulation, need attention. The issue of explosives as well, that are left, you know, virtually unguarded in many sites. Well, I can only talk about New York State, because we did our own surveys through New York State. We need a focus on—the federal government—on CBRN-type material, location of it, regulation as to who's allowed access to it, regulation as to how it has to be secured, and then the things that you mentioned before, the vetting issue. Who is allowed access to this material?

There is very little attention being paid to this subject. And Dean, you mentioned, except money. Well, on a local level, money, you know, that's the elephant in a corner. We always have to talk about that. That will enable us, ourselves, you know, to do some of this regulation as well. At least it would be focused in a regulatory way.

But as a general proposition, these types of toxic elements are all around us and the dangerous materials are everywhere. And there's just a gross lack of regulation, not just on the federal level, but state and local as well. So we're not immune from this, and government, in general, has to pay a lot more attention to the CBRN components.

CHAIRMAN GRAHAM: If I could take the prerogative of the chair to ask the last question. We were recently in London and we met with Scotland Yard. I was rather stunned when they told us first, that they put high priority on cells within the country. And they have country-wide jurisdiction for terrorism, on the premise that it's difficult to conduct these complex operations with—singular—so there's some type of an entity. The number of cells that they've identified and the number of those cells that are under an active surveillance, particularly for a country that's roughly 20 to 25% the population of the United States.

What's your assessment of how well we understand entities that might be supplying support for terrorist activities inside your cities or inside the United States, and do we have the resources to provide surveillance of

those entities? Commissioner Kelly?

COMM. KELLY: My sense is, quite frankly, that the scope of the problem in the UK is much greater than it is here. And I think if you had a candid conversation, they'll tell you that. And their resources are being stretched now, to conduct the investigations that they believe are needed. I think we—in terms of our federal agencies, the FBI—I think they have the resources to do the job.

We don't know what we don't know, in terms of cells that you mentioned, but as far as what we are aware of, it is, right now, nowhere near the scope of what exists in the UK. I think in terms of resources, we're okay. And the problem right now, is a lesser magnitude than it is in England.

CHIEF BRATTON: I would echo that. Also, ironically, in terms of visits to England, I'll be over there in the next couple of weeks on a counter-terrorism, law enforcement conference, between the Brits and many major city chiefs over here. British people seem to be blithely unaware, or not concerned about the intensity of what's going on in their own country.

I'm always fascinated when I go over there, when I get briefed by the British Service, in terms of what they're dealing with, a lot of which is public knowledge, and that it does not seem to be of greater concern. I echo Commissioner Kelly's comments; I don't think we're experiencing, in the United States, anywhere near the intensity of levels of activity, of active cells along with other cells, that they don't even have the resources to surveil 24-hours a day.

But their experience, I think, is more intense at the moment. At the same time that we are—with our respective organizations—actively engaged in investigation of cells homegrown, that we're very concerned with and the—both of our joint Fusion Center, joint counter-terrorism and counter-intelligence efforts—the issue is alive and well here in the United States. And as Commissioner Kelly expressed his concern, not so much about what we know, but what we don't know, and our constant desire to keep acquiring information from whatever the source, that we might be able to devise intelligence from and then direct our resources toward it.

DEPUTY DIRECTOR PISTOLE: Senator, I think your assessment of what you've heard is accurate, based on what Eliza

Manningham-Buller, the former British Security Service Director, said in her public speech several years ago and now reiterated by Jonathan Evans, the current director. The British have a much more pronounced and focused issue dealing with actual operatives than we have.

We have, by number many more people under investigation, but the vast majority of course, being those who may facilitate, primarily in the area of fundraising. And we have very few, if any, people we identify as operatives that are ready to be a bomb thrower, for example, or commit an attack. They have an assimilation issue with some of their individuals that we have, to a much smaller degree. They have travel, much less travel restrictions, much fewer travel restrictions, especially to Pakistan.

With so many dual citizens and second, third-generation Pakistanis who may go into the tribal area for months, be trained and then come back, and then they're just an E-ticket away from the United States. So that's what gives us concern, that there are people who are there—and we work very closely with both the Security Service and the Secret Intelligent service, and of course, the MET, through Scotland Yard—to identify those individuals and to take what action we can to prevent them from committing attacks here.

CHAIRMAN GRAHAM: Gentlemen, thank you very much for concluding what has been a very informative session for us. As so many of my colleagues have already said, we are in your debt and greatly admiring of the leadership that each of you is providing to the safety of our people.

When we decided to have this public hearing, we faced a dilemma. We felt that it was important for the American people to know what the extent of the threat of the use of weapons of mass destruction by terrorists, or rogue states, against us was, without, to use the term, scaring the hell out of everybody. And without leaving with some sense of hope that while the threat is real and significant, it's not insurmountable. And you have contributed both to our understanding and to our sense of hope.

On October 1st, we're going to have our second public hearing, which will focus primarily on the steps that can and are being taken to mitigate that threat. And many of the comments and insights that you provide us will be valuable in that hearing as well. So I thank you very much. The meeting is adjourned. We are going to have lunch for the commissioners and it's going to be a working lunch. So we're not over yet. Thank you very much.

[END TAPE 1]