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## **Spy Chief Rips Handling Of Terror Case**

**Cam Simpson and Evan Perez, Wall Street Journal, 21 January 2010, Page A4**

The nation's intelligence chief said the man accused of trying to blow up an airliner on Christmas Day should have been questioned by a special interrogation team instead of being handled as an ordinary criminal suspect.

Dennis Blair, the director of national intelligence, told the Senate Homeland Security and Governmental Affairs Committee Wednesday that officials botched the handling of terror suspect Umar Farouk Abdulmutallab, who is accused of working with a Yemen-based offshoot of al Qaeda to try to bring down the Detroit-bound jet carrying 290 passengers and crew.

A new panel charged with designating so-called high-value terrorism suspects for special interrogations should have been used in the case and the suspect should have been questioned by an elite group of interrogators, said Mr. Blair, who used the expression "duh" to emphasize his point.

Later in the day, Mr. Blair issued a statement saying his comments were "misconstrued." "The FBI interrogated Umar Farouk Abdulmutallab when they took him into custody," his statement said. "They received important intelligence at that time, drawing on the FBI's expertise in interrogation that will be available in the HIG once it is fully operational," he said, referring to the High-Value Interrogation Group.

An administration official said a Federal Bureau of Investigation agent didn't read Mr. Abdulmutallab his rights as a criminal defendant until after he stopped cooperating.

Wednesday's series of four hearings related to the Christmas attack prompted a new round of finger-pointing among government officials. Mr. Blair has been under fire since it became clear the government failed to piece together myriad clues that might have foiled the attempted attack.

Mr. Blair's testimony was quickly disputed by other administration officials, but seemed to bolster the contention by some Republicans and other critics that officials squandered an opportunity to gain more intelligence from Mr. Abdulmutallab.

In his testimony Wednesday, Mr. Blair said the HIG "was created exactly for this purpose--to make a decision on whether a certain person who's detained should be treated as a case for federal prosecution or for some of the other means."

He added: "We did not invoke the HIG in this case; we should have."

Mr. Blair, who was vice chairman of the task force that created the elite interrogation teams, offered implicit criticism of the Justice Department and the FBI, which decided how to handle Mr. Abdulmutallab.

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"I was not consulted," he said. "The decision was made on the scene, [and] seemed logical to the people there, but it should have been taken using this HIG format, at a higher level."

Mr. Blair's comments came as FBI Director Robert Mueller was defending his agency's handling of the case before the Senate Judiciary Committee. He said FBI agents acted "appropriately, I believe, very appropriately" in treating Mr. Abdulmutallab as a criminal suspect.

Under questioning from Alabama Sen. Jeff Sessions, the top Republican on the judiciary panel, about why special interrogators weren't used, Mr. Mueller said: "There was no time to get a follow-up group in there. If one had had the opportunity over a period of time, we may well have had a specialized group do the interrogation."

An administration official said Mr. Blair was mistaken in his testimony about the HIG.

A task force last summer laid out plans for the new interrogation teams, but none yet exist, administration officials said. The FBI is trying to create the teams with assistance from the Pentagon and intelligence agencies, officials said Wednesday.

--Siobhan Gorman contributed to this article.

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## **BLOG: 'Declassified' -- Intel Chief's Comments Infuriate Obama Officials**

**Michael Isikoff, Newsweek.com, 20 January 2010**

Obama administration officials were flabbergasted Wednesday when Director of National Intelligence Adm. Dennis Blair testified that an alleged Qaeda operative who tried to blow up a U.S. airliner on Christmas Day should have been questioned by a special interrogation unit that doesn't exist, rather than the FBI.

One senior official described the comments by Blair--the U.S. government's top intelligence official--as misinformed on multiple levels and all the more damaging because they immediately fueled Republican criticism that the administration mishandled the Christmas Day incident in its treatment of the accused Qaeda operative as a criminal suspect rather than an enemy combatant.

"People are annoyed, angry, and frustrated about this," said the senior official, who asked not to be identified, speaking about Blair's testimony. The official added that the White House has ordered Blair to "correct" his remarks. "He's taking a mulligan on this," the official said.

About an hour after the senior official made those remarks to Declassified, Blair issued this statement: "My remarks today before the Senate Committee on Homeland Security and Governmental Affairs have been misconstrued. The FBI interrogated Umar Farouk Abdulmutallab when they took him into custody. They received important intelligence at that time, drawing on the FBI's expertise in interrogation that will be available in the HIG [High-Value Interrogation Group] once it is fully operational."

Blair's comments came during testimony before the Senate homeland-security committee on the events surrounding the attempt by alleged Qaeda operative Abdulmutallab to blow up the Northwest Airlines flight headed to Detroit.

Blair was asked by Sen. Susan M. Collins, the panel's ranking Republican, if he had been consulted about how Abdulmutallab should have been interrogated once he was apprehended in Detroit. She said

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she had been told that "once he was Miranda-ized and received civilian lawyers, that's exactly what he did: he stopped answering questions."

Blair said he was not consulted. He then referred to a High-Value Interrogation Group--a special unit that an Obama administration task force recommended be created last summer.

"That unit was created exactly for this purpose--to make a decision on whether a certain person who's detained should be treated as a case for federal prosecution or for some of the other means," Blair told the panel. "We did not invoke the HIG in this case; we should have. Frankly, we were thinking more of overseas people. And, you know, we didn't put it then--that's what we will do now. And--and so we need to make those decisions more carefully."

"I was not consulted," Blair added.

But officials who have worked on the issue said Blair was wrong on almost every count. Abdulmutallab couldn't possibly have been questioned by the HIG because the unit doesn't exist yet. The task force had recommended it be created to handle the questioning of "high value" Qaeda leaders who might be captured overseas--a criterion that clearly doesn't apply in Abdulmutallab's case. But the proposal is still being reviewed by the National Security Council, and the actual unit has not yet been created.

The specific recommendation, one source said, was to have a collection of intelligence officers and FBI agents who are knowledgeable about the background of the Qaeda leaders and deploy them--along with language and regional experts--as soon as a Qaeda leader was captured. But since Abdulmutallab was not a Qaeda leader, and was captured in Detroit, not overseas, the HIG wouldn't apply in any case, said the source, who worked closely on the proposal.

An official in the Office of the Director of National Intelligence said that Blair "fully understand" that work on the HIG "has not been completed" when he gave his initial testimony. The official said officials are now working on the charter for the HIG--a document that will call for teams of intel experts and interrogators known as Mobile Interrogation Teams (or MITs) that will be dispatched when a top suspect is apprehended. When he responded to Collins, Blair was "talking about what should be included in the charter."

Administration officials said the comments by Blair were especially galling because they seemed to vindicate the chief Republican criticism of the handling of the Detroit incident. No sooner did Blair make his comments, for example, than Sen. Jeff Sessions, the ranking Republican on the Senate Judiciary Committee, commented on what he called the "stunning revelations" in the director's testimony--including the fact that "Blair stated that the administration failed to deploy the high-value detainee interrogation group that was put in place for this very purpose."

Sen. Kit Bond, the ranking Republican on the Senate intelligence committee, said he was "shocked" that the intel community was shut out of the decision making on the treatment of the terrorist suspect.

"It's clear the administration's own intelligence officials think they fumbled the Christmas Day terrorist case," said Bond. "That this administration chose to shut out our top intelligence officials and forgo collecting potentially life-saving intelligence is a dangerous sign."

Obama administration officials are fearful that Blair may have ended up hand-delivering their Republican critics an issue by his misinformed remarks. "I didn't think there was going to be a fall guy for the Detroit incident," said the senior official. "But Blair may have just talked himself into being one."

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### **Lawmakers Weigh How Much More To Spend On Security**

**Chris Strohm, CongressDaily, NationalJournal.com, 21 January 2010**

Senators are weighing the need to give the Obama administration more funding and budgetary authority in the wake of the attempt to blow up an airliner over Detroit on Christmas Day.

Funding could be pumped into the Homeland Security Department to buy hundreds of new full-body scanning machines at U.S. airports, senators indicated Wednesday, and into intelligence agencies to buy new technology to sort and search clues of pending terrorist attacks.

Obama administration officials were summoned to the Hill Wednesday to testify before Senate panels on the bombing attempt of Northwest Flight 253 bound for Detroit, and the White House dispatched John Brennan, its senior homeland security and counterterrorism adviser, to brief senators in a closed session later in the day.

"All of this will require raising new revenues," Senate Commerce Chairman John (Jay) Rockefeller, said during a hearing of his committee. "That's always a problem in the U.S. Senate. But doing nothing is not an option."

The move would be a boon for consultants and security companies eager to sell their products to the government. Senators did not indicate how much additional funding might be needed, and attempts to inflate security budgets could meet resistance from some appropriators during hard economic times.

After the Brennan briefing, Senate Intelligence ranking member Kit Bond said he did not believe intelligence failures associated with the Dec. 25 bombing attempt showed a need to give intelligence agencies more funding so much as it revealed a need for them to correct the problems.

But Rockefeller said he believes the Homeland Security Department is underfunded. He said the department needs to launch a "major new effort" to develop and deploy advanced screening machines at U.S. airports.

Homeland Security Secretary Napolitano told his committee that her agency plans to deploy 450 whole-body imaging machines to the airports by the end of 2010.

The machines produce a metallic image of a person that allows screeners to see if there is anything concealed under clothing. Privacy advocates have criticized the machines as too invasive of personal privacy.

Rockefeller said Homeland Security plans to buy 900 whole-body imaging machines by 2014. Each machine now costs about \$150,000.

But House Homeland Security Appropriations Subcommittee ranking member Hal Rogers said in an interview last week he does not believe the department needs more funding as a result of the bombing attempt.

Senate Homeland Security and Governmental Affairs Chairman Joe Lieberman, whose panel also held a hearing Wednesday, said in an interview he is evaluating whether the office of the Director of National Intelligence should be given more budget and personnel authority.

The office was created through a 2004 law to overhaul the intelligence community. But a main point of contention at the time was how much power the director should have over the budgets of civilian and military intelligence agencies.

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In the end, Congress gave the director complete programming authority over the National Intelligence Program, which is about \$50 billion a year.

But in a somewhat convoluted arrangement, lawmakers limited the power of the director to reprogram funds between agencies in any given year. If agencies resist a reprogramming attempt, the director cannot shift more than \$150 million or 5 percent of an agency's budget.

Sen. Russ Feingold, D-Wis., cautioned against rushing to give security agencies more money. Funding decisions should be based on an assessment of what went wrong in failing to detect the bombing plot, he said.

"You have to really consider what happened," Feingold, a member of both the Intelligence and Judiciary committees, said after the Brennan briefing. He added he was not ready to draw any conclusions yet.

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### **OP ED: Turf war hampers war on terrorism**

**C. Boyden Gray, Washington Times, 21 January 2010**

The media focus on the criminal indictment and Mirandization of the Detroit bombing suspect has raised an important point but obscured an even more critical one related to the war on terrorism. The suspected bomber should clearly have been held for more questioning. But more important is what the unseemly rush to indictment tells us about the overall, fundamental systemic failure that occurred.

What we see is a continued, persistent "turf war" culture that divides prosecuting agencies like the Department of Justice and the FBI on the one hand and the intelligence agencies such as the National Security Agency, the CIA, and the Office of the Director of National Intelligence (ODNI) on the other - a divide that seems to have been aggravated by the creation of the ODNI and that resulted in the failure to screen the suspected bomber in the first place and then forfeited a treasure of intelligence from him about Yemen.

Even the most cursory review of the recent record will concern anyone worried about terrorism. Compare, for example, the bland report just released by the White House that all of the bureaucratic turf behavior and other barriers to information sharing that led to 9/11 have now "8 years later, largely been overcome," with the blistering report issued just a year ago by the ODNI inspector general that data integration across the intelligence community (IC) has been a total failure.

The IG found, for example, that IC information systems are "largely disconnected and incompatible" and lacking any "standard architecture supporting the storage and retrieval of sensitive intelligence." Moreover, found the IG, the "culture of protecting 'turf' remains a problem, and there are few if any consequences for failure to collaborate."

More specifically, the IG concluded that "there is no overall IC strategy or leadership structure to drive collaboration among national intelligence agency and law enforcement organizations." Here the IG also found that FBI collaboration with the IC is "hampered by frequent turnover within FBI senior ranks and by outdated IT systems."

Bearing in mind that the FBI manages the Terrorism Screening Center (TSC) and the watch lists, it is even more disturbing then to read the Justice Department's inspector general's report of just a few weeks ago that said the information system of the FBI is "severely outdated, cumbersome to use, and does not facilitate the searching and sharing of information."

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It was the responsibility of the ODNI to resolve all of these problems - but the creation of the ODNI has apparently only intensified the fragmentation. As the IG found, its review revealed that even within the ODNI "poor collaboration has resulted in 'turf battles' among some of the ODNI offices, causing information and activities to be 'stove piped.'"

Congress and the White House would have been better served after 9/11 to put a whip-cracking entity in the Executive Office of the President to beat the intelligence and prosecuting teams together rather than create another layer of competing agencies.

As a result, there is little coherence in the contradictory White House conclusions that (1) "information sharing does not appear to have contributed to this intelligence failure" because no one was "prevented" from accessing information but that (2) "information technology within the CT community did not sufficiently enable the correlation of data that would have enabled analysts to highlight the relevant threat information." That is to say, no one was "prevented" from accessing relevant information, but no one was "enabled" to do it either.

The ODNI inspector general's report followed an Aug. 21, 2008, investigation request from the chairman of the investigations and oversight subcommittee of the House Science and Technology Committee. That request asked for an examination of what the chairman described as the ODNI's "colossal failure" to update the ODNI's terrorist intelligence database that provides the backbone of the FBI's consolidated terrorist watch list.

Bridging the intelligence/prosecution divide, as urged more than a year ago by the ODNI inspector general, is obviously a difficult task, just as it was before 9/11. But the way forward is not to remove the inspector general just after he describes the divide, along with the related incompetence of both the ODNI and FBI.

Maybe the key to a solution is to ask first why the inspector general was fired and replaced with a Justice Department employee who appears to have done nothing in the year following to modernize the FBI's information sharing in response to the IG's criticism. The problem goes beyond trying to track just one terrorist; it fundamentally jeopardizes the government's basic ability to grasp fully any of the threats it faces.

Who and what are they covering up? No doubt the congressional Armed Services, Intelligence, Homeland Security and Judiciary committees all think their own agency is in charge. But there is only one White House, and it will have to provide the missing coordination between the intelligence and law enforcement communities. Otherwise, each will continue to go its own way - prosecuting criminals on the one hand and fighting terrorists on the other - without truly collaborating to reduce risks to the public.

- C. Boyden Gray is a former U.S. ambassador to the European Union.

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