

## **Statement of**

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### **Subcommittee on Intelligence, Information Sharing and Terrorism Risk Assessment**

#### **“Homeland Security Intelligence: its Relevance and Limitations”**

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Terrorism is a phenomenon that perhaps represents the defining issue of our time. It is a challenge that requires an entirely new dimension of operational readiness for law enforcement and all other public safety agencies. We have been blessed as a nation not to have had a major terrorist event on United States soil since 911. However, to quote Jefferson in 1801, “Eternal vigilance is the price of liberty.” I submit that our resources for intelligence and information sharing must be focused within this context.

In my professional judgment, failure to know the enemy is the fundamental weakness in both developing homeland security counter terrorism measures and prosecuting the war in general. In the 6<sup>th</sup> century B.C., General Sun Tzu wrote, “The Art of War”. He said that every battle is won before it is ever fought. One of his central propositions is that you must become your enemy in the sense of not only understanding his tactics but his epistemology; that is what he believes about the world, his ideology, religion and dedication to those belief systems.

In my judgment, the radical Jihadists are committed to bringing the world under submission to Allah. They are religiously motivated and convinced that Allah has commissioned their Jihad to precipitate the end of the world according to their teachings and tradition. Alternatively, they intend to impose obedience by conversion or eliminate infidels. Their endgame strategy is simple:

- a. It is a zero-sum game; either win or lose.
- b. Destroy the Jewish State of Israel.
- c. Establish a global Islamic theocracy under Sharia Law.
- d. No time constraint to accomplish both political and religious goals.

Dr. Bruce Hoffman at Georgetown describes the conflict as a ceaseless, generational struggle. This conclusion is arguably correct in view of the last fifteen hundred years of Islamic fundamentalist history. However, I place the genesis of the conflict in the Book of Genesis. It began four thousand years ago with a man named Abraham and two boys, Isaac and Ishmael. No one will have a viable paradigm to understand the current threat without a grasp of the Old Testament Canon, as well as The Koran and the Hadith. The conflict can be viewed as a continued outworking of the enmity set between these ancient protagonists. This same animus can be traced through Biblical times to the sixth century

A.D. and the advent of Islamic fundamentalism. The result is for some to view the current dilemma as a clash of cultures and others to view it as a clash of civilizations. However, I submit that ultimately it can be understood best as a clash of religious belief systems; Judeo/Christian and all others versus Islamic. The scope of this testimony precludes specific contrasts in beliefs, but it ultimately begs the question, "How do you apply traditional secular solutions to a conflict which at its nexus is a religious dispute?"

Without a grasp of this history, the United States strategic decision making processes could result in serious miscalculations vis-à-vis intelligence functions, public safety training and domestic operational response. We are engaged in what could be characterized as 4th generation warfare and face asymmetrical threats. Terrorist combatants are predominantly non-state actors but in many instances act as proxies for nation states. The trans-national nature of terrorist attacks should be examined from the perspective that these are not random acts of violence, but they represent different fronts in a global Jihad.

Since Al Qaeda has become as generic to terrorism as Xerox has to photocopiers, I shall use that term to describe all affiliates and rogue groups; albeit they largely have common purposes. As Dr. Boaz Ganor, Institute for Counter Terror, Herzliya, Israel notes, "Terrorists have an inter-national network, battlefield experience and learn from their mistakes." He further defines the salient difference between terrorists and other labels such as guerilla or freedom fighter. Terrorists target civilians and non-combatants; they sanctify death. Based on my training and experience, it appears that our domestic counter terrorism doctrine has not fully addressed the evolution of terrorist strategies or their dedication to the endgame. We are not just fighting a war on the battlefields of Iraq and Afghanistan, Central Theatre. The Jihadists or their sympathizers are fighting us in multiple dimensions largely transparent to the American public and using deception as a key strategy. I shall name only a few examples that bear directly on law enforcement responsibility and the need to assist in developing actionable intelligence.

They are fighting us using financial crime to counterfeit clothing, pirate CD's, DVD's, sun glasses and other articles, perpetrate related fraud and the criminal laundering of money. In the world of information technology, there are over seven thousand Jihadist web sites. Many of these sites can be used covertly to communicate with potential sleeper cells. They operate domestically using false identification or forged documents. The Israeli concept that terrorists commit small crimes before they commit big ones is particularly useful in domestic deterrence efforts. By example, officers might detect traffic violations, criminal trespass, false identification or giving false information.

This context and these considerations have profound implications for the modalities ultimately employed to deter and interdict terrorist operational capabilities. Dr. Boaz Ganor asserts that intelligence is the key to successful counter terrorism initiatives. In fact, the Israelis operate on the concept of intelligence dominance. Information and/or data are fluidly moved through varied levels of responsibility with potential corresponding operational responses initiated in a brief period of time. I shall not discuss

specific operational capabilities in open source material, but the concept is reasonably clear.

We need to ensure minimum barriers consistent with operational security (OPSEC). This approach should be integrated with state and local law enforcement as well as federal, regional and inter-national security partners to achieve required intelligence objectives. While there are obvious reasons to view intelligence strategically, I recommend that greater emphasis be placed on training, funding and communicating with local resources. One of the best sources of information in this nation is the old street cop. On the beat or mobile, cops are sensitive to things that do not look right or do not sound right. By extension, involving corporate or private security, educating the public and civic organizations are important tools for developing the type of grass roots information required to enhance deterrence of further terrorist events.

We can most assuredly benefit from Dr. G. Edward Deming's organizational theory that quality of outcome is based on the continuous improvement of processes. Additional emphasis on improving intelligence sharing, particularly at the local level, could produce dramatic results. Remember, it was a rookie cop on a routine check that resulted in the arrest of Eric Robert Rudolph in North Carolina despite the commitment of enormous federal resources. In my own jurisdiction, Commerce Police Department has been involved in providing many potential leads and information of an unusual nature to the Georgia Intelligence Sharing and Analysis Center (GISAC) since 2001.

The City of Commerce is in Jackson County, Georgia. It is located approximately 55 miles northeast of Atlanta. We have a semi-rural environment bisected by Interstate 85 and other major state transportation corridors. Although we have emerging growth, there is still a significant agricultural presence. Smaller towns and communities dot the landscape. However, we are not immune from the potential for atypical events. Two of the 911 hijackers did touch and go landings at Jackson County Airport while flight training out of Gwinnett County. Local jurisdictions must be cautious to heed the "Terminal Philosophy"; it cannot happen here, and it cannot happen to me. There is no guarantee that attacks or the training for those operations will occur only in large cities.

Since 911, another example of concern for some local citizens is the presence of a Muslim of America (MOA) compound less than ten miles from Commerce called Medina Village. I have been the Chief of Police in Commerce since 2001 and have seen local concern ebb and flow through the ensuing years. The MOA organization is reported to be affiliated or linked to Sheik Mubarak Galani in Pakistan. There have been and are residents of Medina Village who either work or patronize businesses within our jurisdiction. No violent incidents have been associated with the group at this time.

There are numerous examples of information provided by our agency to GISAC. We had a reported theft of 300 gallons of diesel fuel from a local supplier. In another time, we would start looking for farmers or commercial drivers. In today's world, consideration also had to be given to the possibility that the fuel might be used to construct an improvised explosive device. In another instance, a phone call made to a propane gas

company resulted in the reporting of unusual questions and interest expressed about tank capacities and operational procedures not relevant to private use.

In my judgment, one of the considerable weaknesses that developed during the decade of the nineties was the degradation of human intelligence (HUMINT) in favor of signal intelligence (SIGINT). I simply do not know how to successfully substitute technology for eyes and ears; boots on the ground. The Israeli Model is well suited to account for a balanced approach to this issue. We are fortunate that our GISAC fusion center has provided excellent support in the form of law enforcement assistance and regular Law Enforcement Bulletins. However, most of the information condensed and presented in the bulletins could be researched from open source material with the exception of some additional law enforcement sensitive information.

The unclassified FBI briefs on terrorist attack planning and “dry run” tactics indicate that terrorists use dry runs during the final stages of operational planning to simulate an actual attack, expose strengths and weaknesses in the plan and make adaptations to the operating environment. Terrorist surveillance and reconnaissance of potential targets offer law enforcement and security personnel opportunities to observe their activities and implement investigative, counter terrorism and force protection measures. Indicators include such activities as observing security reaction drills or procedures, monitoring police radio frequencies and response times, or photographing unusual places. The best resource in position to initially assess these types of activities is none other than the street cop, security officer or an observant citizen in the local jurisdiction. Expanding the community policing programs in our local jurisdictions to accommodate counter terrorism intelligence could complement and leverage the gathering of pertinent information. This is not to recommend a KGB style program to spy on your neighbor, but we should actively seek to educate the public on being aware of surroundings and reporting events that are out of character or out of place.

One of the striking observations that I made on several training missions to Israel was the level of sensitivity on the part of average citizens to odd occurrences and their willingness to report unusual activity. Of course, a large percentage of Israeli citizens are veterans of the armed forces, police or other emergency services and by extension have specialized training. I also found that the incident response of street officers was dramatically different than basic police training in Georgia. The Israelis have uniquely integrated both military and civilian police doctrine such that an officer responding to a traditional crime responds in a traditional way. However, should they discover a terrorist related event, they stop thinking like a cop, start thinking like a soldier and react accordingly. The reason is that their adversary is trained using small unit infantry tactics incorporating assault, security and support elements. This is particularly important in a Mumbai style armed assault. However, it demands crucial training officers regarding the rules of engagement. Since the two most prevalent types of attack are still bombings and armed assault, Israeli police actively train to tactically address multiple assailants in a dynamic environment.

In Georgia, we have many officers limited to punching holes in two targets when the whistle blows for annual qualification. They receive little in the way of additional training in tactical response. My opinion is that our tactical teams and other specialized police units are very well trained by comparison. Although it is perfectly fine and desirable to have a state mandated and standardized course of fire to qualify annually, I am convinced based on professional experience that officers will respond like they train. This is not to be critical but to point out an opportunity to evolve our training doctrine in a positive way. The great obstacle to advanced training today is the same as it has been historically; funding. There is a symbiotic relationship between policy and money. When I was a Navy Lieutenant, I once worked for a Commander who had a big sign on his desk that said, 'Money is Policy'. It stuck, and I have had that notion reinforced experientially. The Law Enforcement Liaison for the United States Attorney, Northern District of Georgia, advised me that their office received one hundred thousand dollars post 911 for counter terrorism training. They have received no additional funding since that time. When training requirements are triaged, the funding has to be carved out of the operating budget highlighting continued resource limitations. This condition is not limited to tactical training operations but general training as well.

Some sources point to an emerging nexus between organized crime and terrorism with mutually supportive interests. According to Associated Press, about seven thousand people have been killed in the Mexican drug wars since 2007. The violence is spilling into U.S. cities in some parts of the country. There have been reports of drug cartel members settling scores with adversaries in such places as Atlanta, Phoenix and Birmingham, Alabama. I suggest that the potential for drug violence to spread into smaller communities will grow significantly. This is a wakeup call to either secure or control the border. We probably should know something about the individuals coming into the United States. In any event, this issue places a further burden on state and local law enforcement, and it highlights the escalating importance of the intelligence partnership with federal authorities. The southern border could be an Achilles heel for the United States and serve Al Qaeda as an easy point of entry through which to infiltrate operational teams. By the way, the border is the first line of defense in Israel.

Since Al Qaeda is now using what might be characterized as a "Dune Model" of operations, their strategy is disappearance instead of an institutional presence. Command and control are shifting or based on loose cells or lone operators. This approach was religiously validated by Osama bin Laden's spiritual mentor, Abdallah Azzam. Subsequently, Bin Laden issued a fatwa that Muslims have an individual as well as a general duty to Jihad. We also are seeing the Da'awa (call) to recruit and radicalize converts within western industrialized nations. Remember, the attacks against the London subway system were perpetrated by British citizens and not foreign terrorists. This is another issue that ups the ante for state and local law enforcement resources. We must be trained competently in counter terrorism measures supporting intelligence dominance. The potential attackers could submerge anywhere in our society as individuals or sleeper cells.

One bright spot in Georgia's intelligence effort is the development of the GTIP Program by our fusion center. GTIP is a secure web based threat/leads tracking system that is law enforcement sensitive. Complete access to the system is available to GTIP partners and limited access, such as read only, may be made available on an as needed basis. GTIP is a Georgia Bureau of Investigation (GBI) program funded by Department of Homeland Security (DHS) grants to enhance the intelligence capabilities of key major law enforcement agencies across Georgia. The E-Team program is the name of the secure web based software used by the participants and managed by GISAC fusion center supervisors to process and address tips or leads for appropriate action. This provides an emerging high tech tool to facilitate information sharing and coordination of counter terrorism activities among partners. By definition, counter terrorism measures are offensive (military) or proactive (law enforcement), whereas anti terrorism measures are defensive and tend to be self enforcing such as the wall of separation between parts of Israel and designated Palestinian areas to prevent uncontrolled access to the country.

As a final note, my Israeli contacts do not hold the Homeland Security Advisory System in high esteem. The primary reason is that it conveys a vague sense of alarm to the public without specific guidance for appropriate action. I recommend that this process be reviewed to enhance its effectiveness. There is specific guidance for public safety entities within each level of alert similar to the military defense condition (DEFCON) system. However, vague alarms can arguably precipitate a general unease that actually supports terrorist objectives.

My recommendations and conclusions are summarized as follows:

1. The United States should make good use of the Israeli Model for Homeland Security. There is a reason that their counter measures stop more than ninety percent of attempted attacks. Central to this success is intelligence dominance derived from integrated resources and combined with the ability to rapidly conduct surgical interdiction of terrorist operations. The result is to reduce or neutralize threats and minimize collateral damage including civilian casualties.
2. Domestic law enforcement must assess and evolve their training doctrine to address the potential for asymmetrical tactical threats posed by the phenomenon of terrorism.
3. Consider designating an Intelligence Officer in every state or local law enforcement agency regardless of size. Process that officer for a security clearance through the FBI Liaison Program in order to enhance processing of sensitive or classified information.
4. Expand access to information technology such as the GTIP Program in Georgia to facilitate the flow of information between partners.

5. Money is policy. Consider additional funding of law enforcement training for counter terrorism particularly the local level. There are alternative mediums through which to facilitate training programs.
6. Review the Homeland Security Advisory System as it relates to public release. Consider adding specific public guidance at each level of alert or eliminating the alert status altogether for public notice.
7. Winning does not necessarily mean annihilating the enemy. Stabilizing areas of conflict and maintaining our way of life may prove to be a better measure of success. Employing the Roosevelt Doctrine of speaking softly but carrying a big stick could prove to be useful while seeking diplomatic accommodation.

Madam Chair, thank you for the privilege of testifying before your committee on a topic so vitally important to the security interests of the United States. In closing, may I say that all measures considered for homeland security must be balanced with the expectation of privacy and inalienable rights of the American people. As Dr. Franklin once observed, "Those who exchange freedom for security end up with neither freedom nor security." If we concede our freedoms, the terrorists win. I pray that G-d will have mercy on this nation and sustain our way of life.

Respectfully submitted.

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