

## **Statement of Chair Jane Harman (D-CA) (As prepared)**

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

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

**10:00 A.M., Wednesday, March 18, 2009  
311 Cannon House Office Building**

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Last summer, Shirwa Ahmed, a U.S. citizen, traveled from his home in Minneapolis, Minnesota, to Somalia.

In October, he got into a truck filled with explosives, drove to the north of that country and blew himself up – killing as many as 30 other people.

According to the FBI, Mr. Ahmed is the first known U.S. citizen to conduct a suicide bombing overseas.

Several of his friends from Minneapolis also left the country for Somalia last summer. They are presently unaccounted for.

Last month, Ahmadullah Sais Niazi, a Tustin, California man of Afghani origin, appeared in Federal court to answer charges that could send him to prison for decades.

He failed to mention when he applied for U.S. citizenship several years ago that his brother-in-law, Amin al-Haq, is an Al Qaeda terrorist. Osama Bin Laden’s bodyguard to be exact.

The United Nations Security Council identified Mr. Niazi’s brother-in-law as an Al Qaeda operative in March 2001, and the U.S. government designated him as a “specially designated global terrorist” shortly after 9/11.

At Mr. Niazi’s bail hearing several weeks ago, an FBI agent testified that the Bureau had recent recordings of Mr. Niazi referring to funding Afghan mujahedeen and blowing up vacant buildings.

On those tapes, Mr. Niazi also reportedly describes Osama bin Laden as “an angel”.

In December of last year, Fahim Ahmed was named as a co-conspirator in a terrorism case in Atlanta that involved plans to attack military bases, oil storage facilities and refineries in the United States.

Mr. Fahim is an alleged ringleader of the “Toronto 18” – a group of Canadian youth that in 2005 had planned to attack Parliament buildings, detonate truck bombs, and behead the Canadian Prime Minister.

According to the indictment, Mr. Fahim met in early 2005 with two American citizens who came to visit him to discuss traveling to Pakistan to receive paramilitary training with Lashkar-e-Taiba.

Among Lashkar-e-Taiba’s exploits was the November 2008 massacre in Mumbai, India.

Imagine a Mumbai in Minneapolis. Or Tustin. Or Atlanta.

In each of these American hometowns, local law enforcement officers – our “first preventers” – walk the beat every day as part of their traditional work of preventing, investigating, and prosecuting crime.

Which brings me to a simple question: while we want police and sheriffs officers nationwide to keep their communities safe from the traditional “bad guys”, don’t we also want them to know about potential terrorists in their midst who mean us harm?

That’s what “homeland security intelligence” is all about: getting accurate, actionable, and timely information to the officers in our hometowns so they know who and what to look for in order to prevent the next 9/11.

If homeland security intelligence is done the right way, countless lives can be saved.

If patrol officers know what everyday materials terrorists might purchase to build an IED, law enforcement can meet with store owners to share this information and invite tips that might warrant further investigation. If those same officers know what crimes terrorists are committing to finance their activities, they can dig deeper into otherwise routine investigations to see if they have come across terrorism “dots” that need connecting.

If our first preventers know what kinds of homeland attacks are most likely to occur over the next four, five, or six years, moreover, they can train appropriately, deploy efficiently, and prepare more thoroughly to meet anticipated threats.

But let’s not fool ourselves. If homeland security intelligence is done the wrong way, then what we’ll have is the “thought police” – and we’ll be the worse for it.

The National Applications Office is a glaring example, in my view, of a homeland security intelligence program gone wrong. Before Congress fenced its funding, the NAO would have tasked military satellites with providing imagery for homeland security and law enforcement purposes.

Although the NAO may have been created with good intentions, the Department of Homeland Security did not create a clear legal framework outlining the limits of the office’s power. Instead, it created a slippery slope for potential abuses – and US law enforcement officials haven’t requested this additional capability.

My goal this Congress is to get DHS, the FBI, and other homeland security partners where they need to be to disrupt terrorist plots and to protect American lives.

I’m not new to the arguments about homeland security intelligence, but I want this hearing to refocus attention on the debate. As the second panel testimony recognizes, we need clear definitions about what we are doing in this area, transparency and a process to hold people accountable. And we need to shut down what doesn’t and what we know can’t work.

And it must be done within the rule of law.

This hearing is our starting point for talking with some of those who fight this fight every day and are trying to do homeland security intelligence “right”.

It’s also our starting point with those who are concerned that we are not doing things right and who have good ideas about how to get on a better track.