

WebMemo



Published by The Heritage Foundation

No. 2749
January 8, 2010

Six Questions for Detroit Terror Plot Hearings

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In the past week, at least three different House and Senate committees and subcommittees have announced intentions to hold hearings to examine the security failures that led to an attempted Christmas Day bombing of a Northwest Airlines flight landing in Detroit, Michigan, by suspected al-Qaeda operative Umar Farouk Abdulmutallab.

Whenever governmental failures jeopardize the security of Americans, it is important that Congress use its oversight power to investigate and solve the problems in the system. All too often, however, oversight hearings are used as a political tool to grandstand. It is important that these upcoming hearings are instead used to get to the bottom of what happened on December 25, 2009. Specifically, Members of Congress attending these hearings should use their questions to focus on what happened, what went wrong, and what changes need to be made in the future to prevent such a plot from again becoming a reality.

Six Questions. Congress must probe extensively into what exactly happened on Christmas Day. Below are six questions that Congress should ask during the oversight hearings:

1. What Is the White House Vision for Aviation Security? In the aftermath of the Christmas Day plot, the Obama Administration's first response was to put in place a plethora of feel-good but meaningless initiatives aimed at the Transportation Security Administration (TSA) screening process. For instance, the TSA announced it would single out travelers from 14 countries for additional screening. This move made little sense. Terrorists, including al

Qaeda operatives, have long understood the need to route their attacks through countries that are not the most suspicious.

The best defense is not more intensive passenger screening in airports but rather disrupting plots before they ever reach the TSA screening line. This initial knee-jerk response should lead Congress to question the Obama Administration's vision for aviation security. Throwing money at the problem or implementing bad policies that are not reflective of the real threats facing U.S. airports simply should not pass congressional muster.

2. Why Was the Government Able to Foil a Similar 2006 Liquid Explosives Plot When It Was Unable to Do So on Christmas Day? In 2006, the U.S. was able to work effectively with its U.K. security counterparts to foil plans for a simultaneous attack on 10 airliners headed toward the U.S. This success was the result of information sharing, good intelligence gathering, and "connecting the dots." Clearly, there is a system in place that can work effectively to stop acts of terrorism against Americans.

By all accounts, there was a remarkable amount of intelligence in U.S. hands on Abdulmutallab prior to Christmas Day. And it is clear that it was not appropriately shared on any level—despite a system

This paper, in its entirety, can be found at:
www.heritage.org/Research/HomelandSecurity/wm2749.cfm

Produced by the Douglas and Sarah Allison
Center for Foreign Policy Studies

Published by The Heritage Foundation
214 Massachusetts Avenue, NE
Washington, DC 20002-4999
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in place to do just that. Congress should require the White House to lay this out in full detail.

3. *What Is the Obama Administration's Position on the PATRIOT Act?* There have been at least seven terrorist incidents on President Obama's watch. In fact, two of them—one in Little Rock, Arkansas, and one at Fort Hood in Texas—cost American lives. This demonstrates that terrorists still seek to do harm against Americans and will likely continue to do so under Obama's leadership.

Regardless of whether the PATRIOT Act could have been used to stop the Christmas Day plot, the fact that al-Qaeda has clearly not ceased in its efforts to kill Americans makes it unconscionable that the White House has yet to make an aggressive case for reauthorization of key PATRIOT Act provisions that can stop plots in the earliest stages.

In fact, the PATRIOT Act was enacted to facilitate information sharing and modernize intelligence authorities in order to stay one step ahead of the terrorists. Institutionalizing these authorities would be a gigantic step forward in terms of stopping future attacks.

4. *What Challenges Does DHS Face in Terms of Making Sure the Terrorist Watch List Is Used Effectively?* The terrorist watch list (TWL) has long been stymied by political pressure that DHS may be adding too many people to the list. This has led DHS to be increasingly under-inclusive of individuals, leaving out those who should be subject to additional screening or added to the even smaller no-fly list. Furthermore, there are other U.S. terrorism databases that remain relatively useless to DHS, which is prohibited by law from using these lists to stop a person at an airport screening line.

DHS should explain these challenges to Congress. Having lists just to have lists means nothing for security. The TWL needs to be more reflective of those individuals seeking to conduct acts of terrorism against the U.S. Concerns over persons wrongly added to the TWL can be mitigated through a robust redress process as well as the recent deployment of Secure Flight, which reduces the number of people erroneously added to the list.

5. *How Does DHS Plan to Better Work with the Department of State and with International Part-*

ners to Improve Security Practices Overseas? The relationship between DHS and the Department of State is weak and needs to be vastly improved. Specifically, the two agencies fail to coordinate on visa security matters. Abdulmutallab's visa was not revoked on December 25, 2009, despite information to warrant this type of action, nor was this information communicated to the National Counterterrorism Center.

The poor relationship between the two agencies also contributed to the lack of information sharing between DHS and the Nigerian consular office, an office run by the State Department. DHS has been granted legislative authority to set policy for these offices—but it has not done so.

Congress should push DHS to take these steps and implement the Visa Security Officer Program, which would put security officials at consular offices to oversee visa issuance and conduct interviews.

Furthermore, DHS should use assistance programs to help countries improve their own security practices.

Finally, the Obama Administration should continue to expand the Visa Waiver Program, which allows foreign visitors from member countries to enter the U.S. without a visa if those countries meet robust security standards and sign on to extensive information-sharing agreements. The Obama Administration should also ensure that older member countries are held to the same standards as new entrants into the program.

6. *How Has Congressional Oversight of DHS Affected Its Ability to Carry Out Its Missions?* Currently, 86 committees and subcommittees in Congress have jurisdiction over DHS, which has often made homeland security oversight into a money game. For instance, the homeland security grant program—touted as a means to improve a whole host of security functions including information sharing—has often become an avenue for pork-barrel spending by Congress. Furthermore, committees wholly unrelated to homeland security often exercise jurisdiction over DHS, muddling security with a host of dissimilar policy goals.

While ineffective congressional oversight cannot excuse the security failures that occurred prior to the Christmas Day plot, disorganized oversight can

inhibit progress in the future. It is vital that going forward Congress is able to provide the best possible oversight to DHS.

The Right Kind of Oversight. These are just a few of the right kinds of questions to ask in these hearings. Effective congressional oversight of homeland security can go a long way toward making the right kinds of changes—ones that will stop plots like the

one on Christmas Day—and increase relationships between the U.S. and its international partners, paving the way for effective counterterrorism.

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